

STATE OF CALIFORNIA

COMMISSION ON
PEACE OFFICERS STANDARDS AND TRAINING

POST COMMISSION MEETING

WEDNESDAY, DECEMBER 8, 2021

1:05 P.M.

MEETING HELD
AT THE OFFICES OF
COMMISSION ON POST
860 STILLWATER ROAD, SUITE 100
WEST SACRAMENTO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Stenographically Reported by:
Kathryn S. Swank
California Certified Shorthand Reporter #13061
Registered Professional Reporter

A P P E A R A N C E S

POST COMMISSIONERS PRESENT

JOYCE DUDLEY
(Commission Chairperson)
Santa Barbara District Attorney
Santa Barbara County

RICK BRAZIEL
(Vice Chairperson)
Educator
Humboldt State University

ALAN BARCELONA
Special Agent
Department of Justice

LAI LAI BUI
Sergeant
Sacramento Police Department

INGRID BRAUN
Sheriff
Mono County

BARRY DONELAN
Sergeant
Oakland Police Department

P. LAMONT EWELL
Public Member

KELLY GORDON
Chief
Monterey Park Police Department

GEOFF LONG
Public Member
(Chair, Finance Committee)

JOHN MARSH
For ROB BONTA, Attorney General
Department of Justice
Ex Officio Member

A P P E A R A N C E S C O N T I N U E D

POST COMMISSIONERS PRESENT
(CONTINUED)

TINA NIETO
Chief
Marina Police Department

JAMES O'ROURKE
Sergeant
California Highway Patrol

BATINE RAMIREZ
Sergeant
Placer County Sheriff's Department

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POST COMMISSION LEGAL COUNSEL

WILLIAM "TOBY" DARDEN
Department of Justice
Office of the Attorney General

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POST COMMISSION ADVISORY COMMITTEE MEMBERS

RANDY WALTZ
(Advisory Committee Acting Chairperson)
California Association of Police
Training Officers

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POST COMMISSION STAFF

MANUEL ALVAREZ, JR.
Executive Director
Executive Office

SCOTT LOGGINS
Assistant Executive Director
Standards and Development Division
Executive Office

A P P E A R A N C E S C O N T I N U E D

POST COMMISSION STAFF
(CONTINUED)

MARIA SANDOVAL
Assistant Executive Director
Field Services Division
Executive Office

JIM GROTTKAU
Bureau Chief
Basic Training Bureau

DAVID HONDA
Law Enforcement Consultant
Training Delivery and Compliance Bureau

JENNIFER HARDESTY
Staff Services Manager
Basic Training Bureau

JOHN LOWDEN
Bureau Chief
Strategic Communications and Research Bureau

RAYMUND NANADIEGO
Law Enforcement Consultant
Basic Training Bureau

JACKIE NELSON
Law Enforcement Consultant
Management Counseling and Projects Bureau

KERI NUNEZ
Associate Governmental Program Analyst
Executive Office

COLIN O'KEEFE
Bureau Chief
Computer Services Bureau

MEAGAN POULOS
Public Information/Legislative Liaison
Executive Office

ROSANNE RICHEAL
Bureau Chief
Learning Technology Resources Bureau

A P P E A R A N C E S C O N T I N U E D

POST COMMISSION STAFF
(CONTINUED)

MELANI SINGLEY
Staff Services Manager
Strategic Communications and Research Bureau

CHERYL SMITH
Staff Services Manager
Basic Training Bureau

KATIE STRICKLAND
Staff Services Analyst
Executive Office

DREW WYANT
Bureau Chief
Management Counseling and Projects Bureau

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ALSO PRESENT

STEVE AMES
Director
For Golden West College
Criminal Justice Training Center
Recipient, 2019 POST Excellence in Training
Organizational Achievement Award

MARSHAL ARNWINE
ACLU of Northern California

TINA BAYLES
For California Highway Patrol
Recipient, 2020 POST Excellence in Training
Organizational Achievement Award

RALPH BROWN

CHRIS CHILDS
Assistant Commissioner
For California Highway Patrol
Recipient, 2020 POST Excellence in Training
Organizational Achievement Award

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT
(CONTINUED)

STEVE GREGORY
Recipient, 2020 POST Excellence in Training
Individual Achievement Award

RICK HICKS
Recipient, 2020 O.J. "Bud" Hawkins
Exceptional Service Award

CORPORAL RALPH KNECHT
Sacramento Police Department
Recipient, 2019 POST Excellence in Training
Individual Achievement Award

BRUCE PRAET
Recipient, 2020 POST Excellence in Training
Lifetime Achievement Award

BOB STRESAK

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1	I N D E X	
2	PROCEEDINGS	PAGE
3	CALL TO ORDER AND WELCOME	10
4	COLOR GUARD AND FLAG SALUTE	10
5	MOMENT OF SILENCE HONORING THE OFFICERS WHO LOST	10
6	THEIR LIVES IN THE LINE OF DUTY SINCE THE LAST	
	MEETING	
7	ROLL CALL OF COMMISSION MEMBERS	11
8	INTRODUCTION OF POST LEGAL COUNSEL AND THE	12
9	EXECUTIVE DIRECTOR	
10	AWARDS PRESENTATIONS	12
11	PUBLIC COMMENTS	35
12	EXECUTIVE DIRECTOR COMMENTS	46
	POST Executive Director Manny Alvarez	
13	APPROVAL OF ACTION SUMMARY AND MINUTES	
14	A. Approval of the Action Summary and Minutes of	
15	the previous Commission meeting	
16	Action Summary - September 1, 2021	57
17	Meeting Minutes - September 1, 2021	57
18	Action Summary - September 29, 2021	58
19	Meeting Minutes - September 29, 2021	58
20	CONSENT	
21	B. Consent Items	
22	(Consent Items 1 through 4 were not discussed.)	
23	5. Report on the Advanced Distance	59
24	Learning Program (ADLP)	
25	6. Report on Distraction Blows	66
	7. Report on the History of Policing in	72
	the Basic Courses	
	8. Report on Senate Bill 2 Commission	76
	Regulations	

1	I N D E X C O N T I N U E D	
2	PROCEEDINGS	PAGE
3	B. Consent Items (Continued)	
4	9. Report on Legislative Update	137
5	FINANCE COMMITTEE	
6	C. Financial Report	148
7	The Chair of the Finance Committee will report	
8	on the results of the Finance Committee meeting	
9	held on Wednesday, December 8, 2021, in	
10	West Sacramento, California.	
11	BASIC TRAINING BUREAU	
12	D. Report on Proposed Changes to Commission	155
13	Regulation 1081 - Minimum Standards for	
14	Legislatively Mandated Courses	
15	E. Report on Proposed Changes to Commission	156
16	Regulations 1052, 1055, 1059, and 1070 -	
17	Course Certification and Presentation	
18	Requirements	
19	LEARNING TECHNOLOGY RESOURCES BUREAU	
20	F. Report on Driver Training Simulator	161
21	Instructors	
22	G. Report on Force Option Simulator	163
23	Instructors	
24	STRATEGIC COMMUNICATIONS AND RESEARCH BUREAU	
25	H. Report on Mandatory Training for Background	165
	Investigators	
	COMMITTEE REPORTS	
	I. Advisory Committee	175
	The Advisory Chair will report on the	
	results of the Advisory Committee meeting	
	held on Wednesday, December 8, 2021, in	
	West Sacramento, California.	

1	I N D E X C O N T I N U E D	
2	PROCEEDINGS	PAGE
3		
4	CORRESPONDENCE	
5	J. Correspondence sent from POST	176
6	OLD BUSINESS	
7	K. There is no Old Business	176
8	NEW BUSINESS	
9	L. The following items are submitted for New Business discussion:	
10	1. Consideration for next Commission Meetings	176
11	April 27-28, 2022 - POST HQ, West Sacramento	
12	August 31-September 1, 2022 - TBD	
13	November 30-December 1, 2022 - POST HQ, West Sacramento	
14	March 1-2, 2023 - TBD	
15	June 7-8, 2023 - POST HQ, West Sacramento	
16	FUTURE COMMISSION DATES	
17	M. Upcoming Commission Meetings will be held:	179
18	March 2-3, 2022 - San Diego, CA	
19	May 25-26, 2002 - POST, West Sacramento	
20	CLOSED SESSION	
21	N. Closed Executive Session	179
22	ADJOURNMENT	180
23	CERTIFICATE OF REPORTER	181
24	ERRATA SHEET	182

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1 Wednesday, December 8, 2021, 1:05 P.M.

2 West Sacramento, California

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4 CHAIRPERSON DUDLEY: Please stand for the
5 Presentation of the Colors by the California Highway
6 Patrol.

7 (Presentation of Colors)

8 CHAIRPERSON DUDLEY: Please remain standing for the
9 pledge of allegiance.

10 (Pledge of Allegiance recited in
11 unison)

12 CHAIRPERSON DUDLEY: As of the last Commission
13 meeting, fortunately no officers have lost their lives
14 in the line of duty. Please join me for a moment of
15 silence honoring the officers who have lost their lives
16 since the last meeting.

17 (Moment of silence observed)

18 CHAIRPERSON DUDLEY: Thank you.

19 Now please join me in thanking the California
20 Highway Patrol.

21 (Applause)

22 CHAIRPERSON DUDLEY: One more time. Please thank
23 the California Highway Patrol and please take your
24 seats.

25 (Applause)

1 CHAIRPERSON DUDLEY: Thank you.
2 Ms. Nunez, will you please take roll call.
3 MS. NUNEZ: Barcelona.
4 COMMISSIONER BARCELONA: Here.
5 MS. NUNEZ: Braun.
6 COMMISSIONER BRAUN: Here.
7 MS. NUNEZ: Braziel.
8 COMMISSIONER BRAZIEL: Here.
9 MS. NUNEZ: Bui.
10 COMMISSIONER BUI: Here.
11 MS. NUNEZ: Donelan.
12 COMMISSIONER DONELAN: Here.
13 MS. NUNEZ: Doyle.
14 (No response)
15 MS. NUNEZ: Dudley.
16 CHAIRPERSON DUDLEY: Here.
17 MS. NUNEZ: Ewell.
18 COMMISSIONER EWELL: Here.
19 MS. NUNEZ: Long.
20 COMMISSIONER LONG: Here.
21 MS. NUNEZ: Marsh.
22 COMMISSIONER MARSH: Here.
23 MS. NUNEZ: O'Rourke.
24 COMMISSIONER O'ROURKE: Here.
25 MS. NUNEZ: Ramirez.

1 COMMISSIONER RAMIREZ: Here.

2 MS. NUNEZ: Thank you.

3 CHAIRPERSON DUDLEY: Thank you.

4 I would now like to introduce POST legal counsel.

5 To my left is William "Toby" Darden. And to my right,
6 POST Executive Director Manny Alvarez.

7 This is always one of the most exciting Commission
8 meetings we have all year long. At this time, we'll
9 begin the presentations for the 2019 and 2020 POST
10 Training and Excellence Awards with the O.J. "Bud"
11 Hawkins Award as well.

12 The other thing is, you are going to temporarily
13 lose your mikes, Commissioners, because they are going
14 to be taken away and recharged. Don't worry. We still
15 will give them back to you.

16 (Pause in proceedings)

17 CHAIRPERSON DUDLEY: I am the Santa Barbara County
18 District Attorney, Joyce Dudley, and Chair of the POST
19 Commission.

20 Each year, the Commission recognizes individuals
21 and organizations that have greatly contributed to the
22 success and effectiveness of our law enforcement
23 community. On behalf of the entire Commission, it is my
24 absolute pleasure to honor these recipients who have
25 distinguished themselves by demonstrating a commitment

1 to exceptional service or excellence in training.

2 Assisting me today, to my left, is Manny Alvarez,
3 Executive Director of POST. This is a combined ceremony
4 for the past two years, as last year's event was
5 postponed due to the pandemic. Pursuant to health
6 mandates in Yolo, face coverings are required at all
7 times while indoors, regardless of social distancing,
8 and I ask that you please adhere to the face covering
9 requirements at all times, with the exception of when
10 you are speaking.

11 I am mindful this mandate will alter the
12 characteristics of the photographs taken to memorialize
13 this cherished event, but, nevertheless, it will be a
14 reminder in years to come of the adversity we have all
15 overcome during this extraordinary pandemic.

16 Also, in order to help ensure the comfort of
17 everyone, we will try to dispense with handshakes,
18 another part of the ceremony we have all enjoyed so much
19 for many years. Once we get started, I will ask the
20 award recipient to come forward from the audience to be
21 recognized when I call them for their specific award.

22 The POST Excellence and Training Award was
23 established in 1994 to encourage innovation, quality,
24 and effectiveness of peace officer training, and to
25 recognize the very best of the best.

1 The categories of the POST Excellence in Training
2 Awards are Individual Achievement, Organizational
3 Achievement, and Lifetime Achievement. We will also be
4 presenting the POST O.J. "Bud" Hawkins Exceptional
5 Service Award.

6 To begin with the 2019 Individual Achievement
7 Award, the recipient of this award is Corporal Ralph
8 Knecht of the Sacramento Police Department.

9 (Applause)

10 MR. LOGGINS: Thank you, Madam Chair.

11 My name is Scott Loggins. I'm one of the two
12 assistant executive directors here at the Commission on
13 POST. And it is my privilege to assist you in honoring
14 this year and last year's recipients of these very
15 remarkable and prestigious awards.

16 Regarding Mr. Knecht. The training of California
17 peace officers is extraordinarily complicated and
18 challenging. The content is demanding and finding
19 qualified applicants is equally formidable as well.
20 When students enter the Basic Academy, they encounter a
21 program with difficult curriculum and significantly
22 higher passing standards than most any other discipline.
23 Ralph Knecht is a leader in making sure tomorrow's law
24 enforcement officers get the right training today.

25 Corporal Knecht designed and implemented a

1 pre-academy training program to increase student
2 performance and reduce student attrition. His efforts
3 have not only increased the return on investment for the
4 City of Sacramento, but, more importantly, have helped
5 the City of Sacramento ensure the best level of training
6 and future performance for our next generation of
7 leaders in California law enforcement.

8 As a distinguished leader in the training of law
9 enforcement officers for California, POST is proud to
10 recognize Corporal Ralph Knecht for his remarkable
11 achievement and contribution to the law enforcement
12 profession, and he is, therefore, the recipient of the
13 2019 POST Excellence in Training Award for Individual
14 Achievement.

15 (Applause)

16 CHAIRPERSON DUDLEY: Apparently we have also
17 decided to remove masks for the photographs, so forget
18 the whole historical concept.

19 MR. KNECHT: Thank you very much. I have a lot of
20 folks from Sac PD here, and thank you very much to all
21 the chiefs that made it, and then my coworkers. I would
22 be remiss in not thanking my wife, first and foremost,
23 and for her support and the long hours that we spend at
24 the training facility, training and caring for our
25 recruits.

1 And I just want to say that I have made this known
2 to a lot of people. I think the mark of a good trainer
3 is that caring is first and foremost. You have got to
4 care about the human being that you are training and
5 that you are wanting to succeed, and, therefore, trying
6 to make sure that you look at the way they learn and
7 develop them, and you put them first and foremost.

8 And I'm trying to be brief, but I would be very
9 remiss in not thanking -- it wasn't just me. It was
10 many people. But I have a partner that I've been with,
11 for developing this program and working with her. And
12 she is right over there. And everyone should give a
13 hand to Keri Woolery. I would love to be able to split
14 this award in perfect half because she deserves it.

15 But thank you to my Sac PD family -- we truly are a
16 family -- for being here and supporting me. And I'm
17 going to close with "Tara and Natalie Strong."

18 (Applause)

19 CHAIRPERSON DUDLEY: I love your comment that,
20 first and foremost, it's about caring. Thank you very
21 much and congratulations.

22 The recipient of the 2019 POST Excellence in
23 Training, Organizational Achievement Award, is Golden
24 West College Criminal Justice Training Center.
25 Accepting the award on behalf of Golden West College is

1 Director Steve Ames. And if they are in the audience I
2 extend to join -- let's see. The script is a little bit
3 awkward here.

4 So is someone here from Golden West College?

5 Yes. Wonderful. And I assume you are Steve Ames.

6 MR. AMES: You are correct.

7 CHAIRPERSON DUDLEY: Terrific. Okay. Please join
8 us. And is Dean Rick Hicks here?

9 MR. LOGGINS: Madam Chair, he is here. And we
10 bring him to the stage.

11 CHAIRPERSON DUDLEY: Wonderful.

12 Scott, please.

13 MR. LOGGINS: Thank you very much.

14 Golden West College Regional Criminal Justice
15 Training Center has been training California cops since
16 1960. They are a leader in law enforcement training,
17 continually providing excellence and innovation in both
18 pre-service and in-service courses. Many agencies
19 within the Southern California region specifically
20 select Golden West as their primary provider for academy
21 training of entry level peace officers.

22 One of the most notable endeavors of GWC is its
23 commitment to leadership, ethics, and community
24 policing, which it started many years ago, where there's
25 a strong emphasis to the academy students, that although

1 they possess technical authority and responsibility
2 granted by the Penal Code, their true authority is that
3 which is earned every day from the citizens who have
4 entrusted the safety of their families to them.

5 Golden West continually demonstrates a dedication
6 to the law enforcement profession. Just one example of
7 this is how, many years ago, POST discovered an urgent
8 training need in another part of the state for a large
9 group of students. When that happened, the then dean of
10 the college, Ron Lowenberg, and the then academy
11 coordinator, Rick Hicks, reached out to me and said,
12 "Tell us what it will take to get these men and women
13 the training they need, and we'll get it done,
14 regardless of the cost, the effort, or the
15 inconvenience." And they did.

16 As a distinguished leader in the training of law
17 enforcement officers for California, POST is proud to
18 recognize the Golden West college for its significant
19 history of remarkable achievement and contribution to
20 the law enforcement profession. And it is, therefore,
21 the recipient of the 2019 POST Training in Excellence
22 Award for Organizational Achievement.

23 (Applause)

24 MR. AMES: Well, I guess, first off, I would like
25 to, on behalf of Golden West College, thank the

1 Commission for allowing us to be here in person, even
2 though this award is for 2019. We very much appreciate
3 it.

4 Our dean in place at 2019 was Ron Lowenberg, and
5 our current dean, Tim Vu, both of them wanted to be
6 here. Both of them had last minute work crises that
7 prevented them from being here. I'm quite sure that
8 they would want me to thank you in their stead as well,
9 because I know how much this award means to them.
10 Particularly Ron, who was in place in 2019.

11 And just from a personal perspective, I would like
12 to dedicate this award to the 140 employees that we've
13 got at the Regional Criminal Justice Training Center,
14 who make what we do possible every day.

15 Thank you very much.

16 (Applause)

17 CHAIRPERSON DUDLEY: The recipient of the 2020
18 Individual Achievement Award is Steve Gregory.

19 Steve.

20 (Applause)

21 MR. LOGGINS: Madam Chair, I believe Mr. Gregory is
22 a radio reporter, which is why I could not figure out
23 which person you were. But welcome. We are glad to
24 have you.

25 As we all know, in law enforcement, one of the most

1 challenging tasks for law enforcement is learning how to
2 properly work with the media, ensuring the
3 constitutional rights afforded by the First Amendment
4 are maintained, while also protecting the necessary
5 confidentiality to avoid compromising an investigation.
6 This is a delicate balance that has been known to result
7 in occasional, and sometimes much more than
8 occasionally, friction between law enforcement and the
9 media.

10 Steve Gregory is a journalist who has worked to
11 increase the collaboration between law enforcement and
12 the media to ensure better communications and better
13 customer service for the community we all serve.

14 His proverbial olive branch has made a tremendous
15 positive impact, so much so that it was actually law
16 enforcement who nominated him for this very prestigious
17 award.

18 Steve has trained countless law enforcement
19 professionals, helping build a collaborative
20 relationship of trust and respect with the media and
21 public, which has been a cornerstone of effective
22 policing and public safety.

23 Accordingly, Steve has been a catalyst for improved
24 communications, helping the law enforcement better serve
25 the community.

1 As a distinguished leader in the training of law
2 enforcement officers for California, POST is proud to
3 recognize Steve Gregory for his remarkable achievement
4 and contribution to the law enforcement profession, and
5 he is, therefore, the recipient of the 2020 POST
6 Excellence in Training Award for Individual Achievement.

7 (Applause)

8 MR. GREGORY: Yeah. So I bet a journalist is the
9 last person you expected up here today, right?

10 (Laughter)

11 MR. GREGORY: I want to thank the Commission, first
12 of all. Also the Awards Committee. And I also want to
13 thank Captain Andy Neiman, who is here with me here
14 today, from Los Angeles Police Department, who nominated
15 me for this award. Also, Commander Mike Parker, retired
16 L.A. County Sheriff's Department, who has been a great
17 influence on me as well.

18 My goal, when I stand in front of a class, is to
19 tell them, "I'm not here to change hearts and minds.
20 I'm here to lend perspective. I'm here to give you the
21 tools to navigate this ever-changing world of media, and
22 hope that it sort of disarms you a bit, gives you a
23 little more confidence, and come out better for it on
24 the other end."

25 Helping law enforcement helps us. My colleagues,

1 some of them, don't agree with what I do. In fact, I
2 get a lot of grief sometimes because they feel like I
3 work too closely with law enforcement. But the only
4 difference between how they cover it and how I cover it
5 is, I'm not afraid to cover the good stories.

6 I will leave you with this: For those of you
7 instructors here in the room, the only difference
8 between how you teach a class and I teach a class, I'm
9 the only one that has to wear ballistic armor.

10 Thank you very much.

11 (Applause)

12 CHAIRPERSON DUDLEY: Thank you for the confidence
13 you have instilled in our brothers and sisters.

14 The recipient for 2020 Organizational Achievement
15 Award, the California Highway Patrol. Accepting the
16 award on behalf of the California Highway Patrol is
17 Assistant Commissioner Chris Childs and Tina Bayles.

18 MR. LOGGINS: The role of sergeant is arguably the
19 most pivotal position in any law enforcement
20 organization, as those individuals have direct influence
21 on line level personnel, as well as communication with
22 upper level command staff.

23 Recognizing the critical need for leadership
24 training at the sergeant level, the CHP created its own
25 unique program to further enhance the skills for first

1 line supervisors. The CHP Sergeant's Leadership Forum
2 not only provides the supervisory skills for those men
3 and women in the critical position of sergeant, but, of
4 course, also serves as a force multiplier of leadership,
5 since it also vicariously benefits the officers who work
6 for them, as well as the managers they report to.

7 This dedication to enhancing the leadership
8 capability of first level supervisors is a remarkable
9 achievement and attestation to the commitment that CHP
10 has made to develop its leaders. CHP is recognized
11 across California, and the nation as well, for
12 Excellence in Training. And it continues to serve as a
13 role model for leadership in law enforcement.

14 POST is proud to recognize the California Highway
15 Patrol for its remarkable achievement and contribution
16 to the law enforcement profession, and it is, therefore,
17 the recipient of the 2020 POST Excellence in Training
18 Award for Organizational Achievement.

19 (Applause)

20 MS. BAYLES: Thank you all. We really appreciate
21 the support. I wanted -- this is much like putting a
22 movie together. Like you write a script, you secure
23 financing, you cast the roles, you put a bunch of people
24 together, and you hope something special happens. And
25 we rolled out the first few sessions, and this class is

1 geared towards tenured sergeants that are at least three
2 years in grade. And so they are happy to be there.

3 And we rolled out the first few sessions, and one
4 of the students showed up and asked the facilitator and
5 said, "But what can we do?"

6 And the facilitator never got a chance to answer.
7 And one of the other students stood up, who had been
8 cynical all week, and said, "We can do a lot. There's
9 over 800 of us. And change starts with us."

10 And so we talk about transformative culture and we
11 talk about planting the seeds and planting it in the
12 minds and hearts of those that are coming up behind us.
13 And, really, transformative culture is a heart change,
14 right? It's not just changing our minds and our
15 actions. It's changing heart.

16 And I couldn't have done any of this without the
17 people in this room. So I would like to just take a
18 second to recognize the people that took the feed and
19 caring that went into this.

20 So we have Joshua Kolstad, who is a retired
21 sergeant with the California Highway Patrol. We have
22 Andrea Milam, who is an associate analyst with us. We
23 have an air-op sergeant, Steve Neumann. We have
24 Lieutenant Ryan Monahan. And I would be remiss if I
25 didn't also acknowledge our chief, Ezery Beauchamp, who

1 is a supporter of us all along. And Retired Lieutenant
2 Shannon King, who is not with us today. She is ill.
3 But she was also integral in the development of this
4 course.

5 CHAIRPERSON DUDLEY: If you all could stand.

6 (Applause)

7 MS. BAYLES: I just wanted to say thank you.

8 And we even benefited further from this class. We
9 open it up to allies, just the last couple of months,
10 and had some of them as members of the -- our students.
11 And it's been -- it's been a change, a positive change,
12 and we have created greater networking and greater
13 collaboration, and a greater sense of respect for
14 everything that we -- each of us does in our own
15 agencies. So thank you. Thank you for anyone in this
16 room who sent students to us. We appreciate it.

17 (Applause)

18 CHAIRPERSON DUDLEY: The recipient of the 2020
19 Lifetime Achievement Award is Bruce Praet.

20 (Applause)

21 CHAIRPERSON DUDLEY: I'm sure I said your name
22 wrong, didn't I?

23 MR. PRAET: You did, but that's okay.

24 CHAIRPERSON DUDLEY: How do I say your name?

25 MR. PRAET: "Praet."

1 CHAIRPERSON DUDLEY: Praet. Thank you.

2 Scott.

3 MR. LOGGINS: The job of today's law enforcement
4 officer is extremely complex and challenging. With
5 ever-changing statutes and case law, it is of paramount
6 importance for law enforcement officers to keep abreast
7 of current law in order to keep them better prepared to
8 serve their communities, while also properly enforcing
9 the law.

10 They are frequently required to make split-second,
11 life-or-death decisions, that courts will often take
12 years, if not decades, to analyze.

13 The privilege of wearing the badge is a significant
14 and sacred trust and responsibility given officers by
15 the communities they were sworn to protect, that
16 requires the best possible training.

17 Bruce is a well-respected attorney who specializes
18 in law enforcement matters. He started his career as a
19 California cop, and, therefore, has a perspective that
20 affords him greater insight and a level of appreciation
21 of the challenges law enforcement face. This unique
22 background has helped him develop that unique ability to
23 take extremely complex and sometimes contradictory legal
24 matters and explain how they can be applied in a real
25 world operational setting.

1 His training has not only helped peace officers
2 develop a better understanding of law, but has also
3 enhanced the ability for officers to better serve their
4 communities.

5 As a distinguished leader in the training of law
6 enforcement officers for California, POST is proud to
7 recognize Bruce Praet for remarkable achievement and his
8 contribution to the law enforcement profession. And he
9 is, therefore, the recipient of the 2020 POST Excellence
10 in Training Award for Lifetime Achievements.

11 (Applause)

12 MR. PRAET: Hey, Gordy, don't go anywhere.

13 All right. Just to tell you how good Golden West
14 Academy is, when I was a baby police officer in 1973,
15 that's where I went to the academy. So -- and another
16 little bit of trivia: Mr. Gordon Graham, who I'm sure
17 you all know, we found out a couple years ago, Gordon
18 and I started our careers the exact same day, April
19 Fools Day, 1973. If that tells you anything about where
20 our careers went.

21 I got to tell you that when I started the academy,
22 I was in awe of POST instructors. And then to later
23 become one. And as Gordon and I go around the country,
24 speaking and, of course, with Lexipol and everything,
25 California POST is held in such high regard around the

1 country. This is the epitome of training for law
2 enforcement. Every state is in awe of what this
3 Commission does.

4 So I'm very honored, and I see even some of my
5 clients in the office that I have defended over the
6 years. So that's good too.

7 Anyway, quite an honor. Gordon, come up here. I
8 want to get a picture, if we could. Get a picture with
9 Gordon too.

10 (Applause)

11 CHAIRPERSON DUDLEY: Okay. So the recipient of the
12 2020 O.J. "Bud" Hawkins Exceptional Service Award is
13 Rick Hicks. We've seen you before.

14 (Applause)

15 MR. LOGGINS: Rick Hicks has dedicated his entire
16 life to public service. He has done so not only as a
17 cop, but as he transitioned through the ranks from
18 officer to chief of police positions, but as a law
19 enforcement trainer, mentor, academy coordinator,
20 criminal justice administrator, and now, believe it or
21 not, the dean of math, science, and kinesiology.

22 As all of us who are fellow cops would say, Rick
23 simply can't figure out how to get retirement right.

24 One of his most remarkable assignments was at the
25 Golden West College Criminal Justice Training Center,

1 where he served, and continues to serve, for many years.
2 While there, Rick was part of a team that created a
3 legacy of excellence, exceptional quality graduates, and
4 that served as a gateway proving ground for many
5 individuals who have gone on to become leaders in the
6 law enforcement community themselves.

7 He is well known for fostering a strong sense of
8 the accountability, high ethical standards, and a
9 continued commitment to public service at every
10 course -- at every course at his center.

11 The next generation of law enforcement officers who
12 will inherit the mantle of California's public safety
13 have been, and continue to be, well-served by Rick's
14 selfless contribution, and his countless proteges are
15 serving their communities throughout the region, if not
16 throughout the entire state.

17 The namesake of this prestigious award, "Bud"
18 Hawkins, was a long-time representative to the POST
19 Commission for the Attorney General and was a proverbial
20 giant in the law enforcement profession, and he left a
21 legacy for the future.

22 This award, in his honor, is recognition for an
23 individual who has made significant contributions that
24 reflect dedication, perseverance and exceptional service
25 to improving the professionalism of California law

1 enforcement.

2 Rick Hicks embodies that same spirit of service,
3 and he is, therefore, the recipient of the 2020 POST
4 "Bud" Hawkins Exceptional Service Award.

5 (Applause)

6 MR. HICKS: When I heard that Praet was going to be
7 here, I was worried that perhaps I had an outstanding
8 legal bill that I hadn't paid, so I'm glad to find out
9 that's not the case.

10 And the other good news is that a good corporal, a
11 good first line supervisor, always buoys the chief,
12 right? So recognizing your wife, Knecht, good job.

13 So I'm going to recognize mine now. Lisa, I love
14 you.

15 You know, to hear the things that were said today,
16 from all of the others, it makes me feel like I should
17 not be up here. I'm grateful for this. I'm grateful to
18 the Commission; Madam Chair; to the director; to the
19 committee that considered me; I'm grateful to Golden
20 West College for the support that they have given to me
21 personally, with the efforts that they make towards law
22 enforcement and public service; and I'm grateful to each
23 one of you that are still here, because as I'm looking
24 back on my career, if I could go back four years and do
25 it again, I would do it in a heartbeat.

1 Nothing that has happened in the last several years
2 would deter me from that, and so for you still being
3 here and still manning the front lines, I want to tell
4 you, thank you very much. And that's why I did what I
5 did, to be a public servant, to make a difference, to
6 care about other people, as it's been pointed out today.
7 That's what public service and the police service is all
8 about. So thank you for this award. I don't feel
9 deserving, but I'm certainly grateful to have it. Thank
10 you.

11 (Applause)

12 CHAIRPERSON DUDLEY: Well, you certainly made a
13 difference. Thank you.

14 Thank you to the award recipients, as well as their
15 colleagues and their other loved ones that were here
16 today. Those of you in law enforcement know we could
17 not do the work we do, but for the loved ones in our
18 life. So, so glad you could be with us here today.

19 This concludes the award presentation. At this
20 time, I would like to ask everyone to temporarily return
21 to their seats or place in the audience so I, as the
22 Chair, can call for a short break before returning to
23 the meeting agenda. Just bear with us for a moment.

24 (Pause in proceedings)

25 CHAIRPERSON DUDLEY: At this time, we will adjourn

1 for a very short break, and we will reconvene -- don't
2 yell at me -- at 20 to 2:00. So you have four minutes.

3 Thank you.

4 (Break taken in proceedings.)

5 CHAIRPERSON DUDLEY: Thank you, everyone, and we
6 did start three minutes later than I expected, but there
7 was enough going on.

8 Reconvening now.

9 We're very excited to have two new commissioners.
10 Two chiefs have joined us: Kelly Gordon and Tina Nieto.

11 And I would like to have Kelly, first introduce
12 herself.

13 COMMISSIONER GORDON: Well, I'm going to speak
14 loudly because I don't have a microphone. I was going
15 to keep it short.

16 CHAIRPERSON DUDLEY: Thank you.

17 COMMISSIONER GORDON: He's always such a helper.
18 Thank you. I appreciate it. Now I know who to look out
19 for.

20 So I'm Kelly Gordon. I'm the chief of police for
21 Monterey Park, down in Southern California. I have
22 about 26 years in law enforcement at three different
23 agencies. And I am just honored to be here and look
24 forward to working with everyone and moving forward with
25 all of the challenges that we have, but I think it,

1 actually, at the same time is a great opportunity to
2 redefine and reimagine and really make sure that we make
3 good decisions in terms of how we implement some of the
4 things that we're looking at. So I'm just happy to be
5 here, looking forward to working with everyone on the
6 Commission. And thank you very much.

7 CHAIRPERSON DUDLEY: Thank you.

8 Chief, would you pronounce your last name for me.

9 COMMISSIONER NIETO: It's Tina Nieto. Or you can
10 just call me "Tina."

11 CHAIRPERSON DUDLEY: I could, but it's on the
12 record now, so I won't. So obviously I will call you
13 Chief Nieto.

14 COMMISSIONER NIETO: Yes.

15 I'm Tina Nieto. I'm currently the chief of Marina
16 Police Department, which is in the Central Coast, the
17 beautiful Monterey Peninsula. So please come visit and
18 spend your money. My city said to say that.

19 But I am quite honored to be here as a post
20 commissioner. I've been in law enforcement for 33
21 years. I came up from Southern California, after
22 working for 28 and a half years with a larger agency.
23 And now I work for a smaller agency. So it gives you a
24 different perspective, going from really big to really
25 small, but I look forward to the challenges.

1 One of the reasons I accepted the position is I
2 heard we made a lot of money and -- okay. Maybe we
3 don't.

4 But there are things that are coming up in law
5 enforcement that are near and dear to me. A lot of
6 issues. A lot of work has to go into it. And I have a
7 heart for work, and I love police officers, and I want
8 to make sure that, you know, we -- we take care of our
9 law enforcement, but we also take care of our
10 communities, our very diverse communities in the state
11 of California.

12 I just want to thank all of the other commissioners
13 and the people that do sit on this board. They have
14 been very welcoming in the short time that I've been
15 here.

16 So thank you.

17 CHAIRPERSON DUDLEY: Thank you.

18 And on behalf of all the commissioners, we are
19 thrilled that both of you have joined us. And I can
20 tell you, having been a part of this for many years now,
21 that this is a group of caring individuals, smart and
22 caring individuals, and we all want to do the right
23 thing for the right reason.

24 And we know you will help us do that. So welcome.

25 At this time, now we're going to go to public

1 comment. And by the way, just for the record, your name
2 wasn't called, but you are here.

3 Will that do it? Do you want to say a little bit
4 more about that, Toby?

5 MR. DARDEN: No. It's fine.

6 CHAIRPERSON DUDLEY: Okay. We have all seen that
7 video. That "I am not a cat"? Right? A few of you
8 have. Okay.

9 This is the time set aside for members of the
10 public to comment on items on the Commission agenda.
11 Pursuant to the Commission policy, the Commission Chair
12 will manage the public comment period in deference to
13 the Commission's workload and meeting time constraints.
14 Up to 15 minutes is allotted at the beginning of each
15 Commission meeting for public comments on items on the
16 agenda. Based on recent events, more people than usual
17 may want to address the Commission. Therefore, if
18 required, we will go longer than 15 minutes, but may
19 limit this period to no more than one hour, as we have
20 many topics to cover on the agenda.

21 Members of the public who wish to speak are asked
22 to limit their remarks to no more than five minutes
23 each. If we have many people who wish to speak on the
24 same topic, I, as the Chair, may intervene and ask that
25 you limit your remarks to no more than one minute.

1 Pursuant to existing Commission policy, the Chair
2 may conclude the public comment period if multiple
3 speakers are voicing repetitive or similar statements
4 and the 15-minute public comment period has expired.

5 Please be advised that the Commission cannot take
6 action on items not on the agenda.

7 Please remember that the meeting is being
8 transcribed, so I may politely interrupt and ask you to
9 repeat or speak slowly. I am speaking quickly because
10 there's a script here, and she can come back to it, so
11 don't speak at this pace.

12 Speak clearly and succinctly so your comment can be
13 correctly captured in the transcript.

14 If there is anyone in the audience who would like
15 to address the Commission during public comment, please
16 raise your hand.

17 Please approach. Thanks. And you can sit right
18 there by the open mike. Welcome. And you may remove
19 your mask to speak.

20 MR. ARNWINE: How about now?

21 CHAIRPERSON DUDLEY: Perfect.

22 MR. ARNWINE: Good afternoon, POST commissioners.
23 My name is Marshal Arnwine, and I work for the ACLU of
24 Northern California, our Sacramento office. I serve in
25 the role of criminal justice advocate in our Legal

1 Policy Department.

2 The ACLU has concerns about POST's history of
3 rejecting crucial community input. Many critical issues
4 impacting the community, including rejecting non-law
5 enforcement experts' input on how to train new use of
6 force standards, and also the RIPA Board recommendation
7 on POST trainings related to bias and the screening of
8 law enforcement applicants for explicit bias, as
9 required in AB 846.

10 Recently, the Little Hoover commission created a
11 report on law enforcement training. This report came
12 out this year in November. The report found that POST,
13 as a body, currently constructed, leaves out important
14 broader community perspectives that are not just
15 representative of the law enforcement. For example,
16 perspectives of communities impacted by police
17 misconduct and violence and health and social services
18 professionals.

19 These important perspectives will create a more
20 inclusive model of decision-making, especially around
21 the issues related to the type of quality, quantitative,
22 and quality of the training law enforcement receives in
23 the state of California.

24 Ultimately, this unity can strengthen the
25 relationship between law enforcement and the

1 communities, statewide.

2 As of now, POST is not achieving this inclusive
3 model-making -- decision-making process because of the
4 inaccessibility of meetings for communities to attend,
5 like the one today, that cannot be here in person, and
6 rejecting recommendations from non-law enforcement
7 experts. The ACLU is concerned about the
8 inaccessibility of these meetings during the pandemic.

9 We urge the Commission to enable virtual
10 participation for the foreseeable future during this
11 COVID-19 virus.

12 And important legislation, such as Senate Bill 2,
13 for decertification, was passed overwhelmingly because
14 of the concerns that communities have regarding police
15 misconduct. Therefore, POST Commission, we're urging
16 that you ensure that these meetings will be accessible
17 for communities statewide to hear these important
18 discussions.

19 Thank you.

20 CHAIRPERSON DUDLEY: Thank you. Please stay. And
21 thank you for your service with ACLU.

22 Any commissioners have any questions or comments?

23 Manny, I'm going to turn to you to explain what it
24 is we are doing now with the meetings, why we don't have
25 Zoom, but we do have streaming.

1 EXECUTIVE DIRECTOR ALVAREZ: Thank you, Madam
2 Chair.

3 Yes. During COVID, we were permitted, under an
4 executive order, to do online meetings and Zoom meetings
5 and allow commissioners to call in from locations
6 without advertising their locations where they are
7 calling in from, whether it's from their department,
8 from home, they are a public member, wherever they are
9 at.

10 It also allowed the public to call in from anywhere
11 in the state, and, obviously, we did that for the last
12 two years, where individuals could call on the phone and
13 provide public comment from anywhere.

14 There's a bill that was passed this legislative
15 session, AB 361, which basically allows us to do that
16 all the way through January 31, 2022. It gives us
17 another two months to do that.

18 And the last sentence of the bill says, if you have
19 the ability to revert back to the law, then you should.

20 So we decided, for this Commission meeting --
21 obviously, we had to publish the agenda early on. We
22 decided, hey, we're just going to -- we have only got a
23 month and a half to go, so we're just going to revert
24 back to the old way, pursuant to this legislation, and
25 we had the meeting in person and public comment is in

1 person.

2 So we think we're compliant with the -- with the
3 bill. And after January 31, unless there's some other
4 legislation, it will be back to the old way where it is
5 in person.

6 The Commission meetings are moving around the
7 state. As you all know, we had the last one in
8 Pasadena. We had this one here. The next one is in San
9 Diego. And we try to have two here and two down in
10 Southern California or somewhere else, usually Southern
11 California because of the costs.

12 So we do try to make them accessible. We had them
13 in Pasadena. We've had them in Ontario. We've had them
14 in L.A. County. And we are doing our best.

15 We have tried to move them to the San Francisco Bay
16 Area, but it has been very cost prohibitive for us to be
17 able to do that.

18 CHAIRPERSON DUDLEY: Okay. So to be clear, by law,
19 we can't Zoom these meetings anymore. We would all
20 prefer that we could. But they are streamed, and so
21 anyone who wants to can go to our website and click on
22 the meeting.

23 Any other comments from any other commissioners
24 about any of the issues that were addressed?

25 Yes, please, Geoff. Commissioner Long.

1 COMMISSIONER LONG: Just a quick clarification.

2 So is it ACLU's position that ACLU needs more
3 access to POST, in terms of these meetings? Or that
4 members of the community need more access, via, you
5 know, Zoom or something?

6 MR. ARNWINE: The community.

7 COMMISSIONER LONG: The community. Okay. Thanks.

8 CHAIRPERSON DUDLEY: Any other thoughts you want to
9 share with us?

10 MR. ARNWINE: No. That will be it.

11 CHAIRPERSON DUDLEY: Okay. Thank you so much for
12 coming and for speaking.

13 Are there other members of the audience who would
14 like to make a statement?

15 Please come forward.

16 MR. BROWN: Well, well, well.

17 CHAIRPERSON DUDLEY: I think you should introduce
18 yourself first.

19 MR. BROWN: Probably so.

20 Madam Chair, members of the POST Commission, my
21 name is Ralph Brown. I am a retired -- I retired last
22 December as a POST bureau chief. I was hired in 2014
23 and was assigned to work for the great Scott Loggins in
24 the Basic Training Bureau.

25 The office, at that time, was located on Alhambra

1 Avenue. I had worked with Scott, performing Basic
2 Academy compliance audits. There were some very
3 interesting times during that -- my time in basic
4 training. We had some interesting situations, and I
5 would like to publicly thank Scott for his steady
6 guidance during those difficult times.

7 Later, I moved to the Executive Office, where I
8 became the legislative coordinator, reviewing
9 legislation. Before then -- later on, I promoted to
10 bureau chief in the Training Delivery and Compliance
11 Bureau, where I had the luxury, again, to work for
12 Scott. With Scott's retirement looming, I just want to
13 express my thanks for his leadership and publicly
14 acknowledge his good counsel.

15 One of Scott's better attributes, I think, is a
16 genuine, down-to-earth human being presence. He's a
17 polite professional, good demeanor, he's approachable,
18 and he's always a good mentor. Wherever I had a
19 question to touch base on, he was always good with good
20 counsel.

21 The vast majority of times, I was able to count on
22 Scott's grounded perspective. He understood that a
23 slow, thoughtful, methodical role was going to lead to a
24 very good outcome, and the vast majority of the time, it
25 did.

1 Scott's honorable intentions have made a positive
2 impact on the field, and his messaging -- you may have
3 heard him say this. We are to be the good, honest
4 brokers. That's our position with POST. Our position,
5 as -- with POST, to the field, is, we're the honest
6 broker, and that was great advice.

7 And after I took over as bureau chief -- and I
8 pushed that message out to my folks, the regional
9 consultants and the support staff, and the like, the
10 word started traveling through the field and got back,
11 and they were -- chiefs and sheriffs, training managers
12 were very appreciative of that model. So thank you,
13 Scott.

14 To that end, I just want to say thanks to Scott.
15 Thanks for your leadership, and I think I'm a better
16 person because of him. Thanks.

17 (Applause)

18 CHAIRPERSON DUDLEY: Well, I always thought you
19 were a pretty terrific person, and so good to see you
20 again. Thank you.

21 And we may have another local celebrity here too.
22 Will you please introduce yourself. Good afternoon,
23 Madam Chair, Honored Commissioners, Manny.

24 MR. STRESAK: My name is Bob Stresak. I'm a
25 retired executive director for the Commission on Peace

1 Officers Standards and Training.

2 And I am too here. Before I begin, I want to thank
3 the Commission for your steady hand on the rudder during
4 these strong currents that we face. I know it's been a
5 challenge, and I know that, ultimately, you keep your
6 eyes on the prize, and you are doing good.

7 I wanted to congratulate Scott on your milestone
8 you have accomplished, easily, gracefully, but not so
9 easily sometimes. And I wanted to wish you the best in
10 enjoying the ranks of the leisurely amongst the retired.

11 So Scott, Season 1 was Sacramento County Sheriffs;
12 and Season 2 is the Commission on POST, correct, for a
13 total of 33 years.

14 And I wanted to sum up the 33 years for Scott
15 because, you know, on the date of retirement, we all
16 have to look back and we kind of lose perspective. We
17 gain the perspective of looking forward to retirement.
18 We lose perspective of what we have done to enjoy this
19 day. So I just want to summarize it really quick for
20 you.

21 So, for Scott, so for 33 years, you had dutifully
22 arose every day to prepare for work. Because of your
23 sense of service, you have reported in the day, in the
24 dark, in the cold, in the heat, and then every other
25 conceivable condition.

1 CHAIRPERSON DUDLEY: Bob, let me interrupt for a
2 second.

3 Scott, why don't you come up here so Bob doesn't
4 have to keep turning around. You can stand right here
5 behind me. Thank you.

6 Bob, please go ahead.

7 MR. STRESAK: By the way, Scott, I didn't know all
8 that other stuff about you.

9 You have given up holidays and birthdays, ballgames
10 and family events. You have stumbled and regained your
11 balance. You have learned through your mistakes. And
12 like us all, you bear a few scars, but you have
13 persevered.

14 And here you are today, worthy of the right to look
15 back on it all and smile. You have run a good race, and
16 now you will soon enjoy leisurely morning cups of
17 coffee. You can laugh at traffic reports. You can
18 wonder what you want to do today and what are you going
19 to do with all your suits and ties.

20 For 33 years, you, like most of us here, have
21 played a small part in a greater cause, but,
22 collectively, all our small parts have become the
23 greater cause.

24 Stand tall and proud and have no regrets. You have
25 earned your place among the ranks of those who will only

1 have to walk to the mailbox to get paid.

2 I wish you all the best as you enter Season 3,
3 Episode 1. Congratulations.

4 (Applause)

5 CHAIRPERSON DUDLEY: Thanks, Bob. So good to see
6 you again.

7 MR. STRESAK: Great to see you guys.

8 CHAIRPERSON DUDLEY: Okay. Any other public
9 speakers? Anything else on public comment?

10 (No response)

11 CHAIRPERSON DUDLEY: Well, thank you for those who
12 made public comment.

13 At this time, the executive director would like to
14 address the Commission. Executive Director Alvarez.

15 EXECUTIVE DIRECTOR ALVAREZ: Thank you, Madam
16 Chair. Thank you for allowing me to speak. And thank
17 you, all, for coming to the meeting today.

18 I would like to start with just a couple of things
19 from the Awards Committee. There are some things that
20 were said that really ring true about caring and POST
21 being as good as we hope we are. But that was built on
22 our predecessors and people that have been here long
23 before us and built in. It's our mission to keep
24 carrying this forward, so I appreciated those comments,
25 hearing those, especially seeing Bob Strezak here today.

1 They are the ones that kind of put this organization on
2 this path in 1959.

3 So I would like to just kind of go from where we
4 have been since the last Commission meeting and where we
5 are going to go forward. And I would like to address
6 some of the comments from public comment, if I may.

7 So, first of all, in terms of our compliance audits
8 with COVID, the way it's been, we try to do all of our
9 hiring file compliance audits. Our goal is to be a
10 hundred percent. We're 82 percent for the year, as of a
11 couple of days ago, per the bureau chief. We're hoping
12 to hit 90 percent by the end of this year, so we'll be
13 close to getting to a hundred percent.

14 We had some regions of the state; we really had a
15 significant challenge where those counties were
16 completely shut down. We really couldn't go review
17 files. So we feel like we're in good shape.

18 As you all know, there is a regulation that you all
19 passed about two years ago, 18 months ago, that causes
20 us to review all of our courses on a two-year cycle to
21 make sure they are contemporary. We did that over the
22 course of the summer and the fall. And it's a lot of
23 courses. There's 20 -- 4600 courses in the course
24 catalog. So you split them in half, and they haven't
25 been reviewed for 10 or so years, or 12 years. There's

1 a lot of revisions that have to be made, so there was a
2 heavy lift for our staff.

3 In terms of the delivery of training, we spoke at
4 the Finance Committee about some of our money,
5 especially with some of the detective courses under ICI.
6 There is definitely some room to continue to deploy
7 those courses, because we do have funding, but we have
8 also been reviewing those courses over the last two
9 years to make sure they are contemporary. We're doing
10 one this week on the ICI officer-involved shooting
11 course to make sure they are constantly updated on a
12 cycle.

13 We're also embarking on a new training program for
14 ICI on interviewing, on interviewing and interrogation.
15 There was a bill that went through the Senate, that did
16 not make it through. It was SB 494. And it was on
17 science-based interviewing techniques, as opposed to
18 sticking solely with the Reid technique, so we're
19 starting that. We're hoping to have that new course in
20 place by -- hopefully by the beginning of next year, but
21 we're just embarking on that. We're relying heavily on
22 some of the individuals that pushed the bill forward, as
23 well as LAPD, who was taken on this model, and some
24 other individuals across the country. So we're here
25 embarking on that.

1 We placed the mental health field guides, I think,
2 on your desks. We started pushing those out since,
3 probably, August. We have got the bulk of them out in
4 October and November. We produce 72,000 of those mental
5 health field guides, and we distributed 50,000 to the
6 field already. So that was a heavy lift.

7 We had special funding for mental health training,
8 and we had some money left over, so we wanted to produce
9 them, as opposed to just putting them in PDF.

10 Obviously, the content is also new. We developed that
11 about 18 months ago or two years ago, so those,
12 hopefully, are on your desks, and they will hopefully be
13 spread throughout the state.

14 In terms of distance learning or online training,
15 you will hear a presentation today, but we are trying to
16 move forward to enhance our platform, our learning
17 portal, or our learning management system. That is a
18 work in progress. We have had funding for it. We're
19 under time constraints.

20 In the middle of it, unfortunately, we lost,
21 tragically, unexpectedly, one of our staff members, who
22 had been spearheading this project, Lori Cabog, on
23 November 16th, which set us back a little bit. But
24 we're moving forward in that regard.

25 We also had some products that we deployed on the

1 learning portal, that have been delayed because of
2 COVID; some that we have expected to already be out.
3 And it is just taking us a little bit of time, but we're
4 working diligently on the online delivery and training.

5 You all approved a regulation on AB 846, which is
6 the psych screening of peace officers, which requires a
7 screening for implicit and explicit bias by the medical
8 practitioner during the psychological evaluation.

9 That was brought up during public comment.

10 So that was delivered -- or that was created under
11 a series of contracts with medical practitioners across
12 the country. I believe there's six or seven of them. I
13 think six. Obviously, we have to pay for the
14 psychologists and psychiatrists from around the country
15 to participate in. I want to say there's only one or
16 two from California.

17 We included the RIPA Board on that, but we made a
18 decision because of the individuals that were creating
19 it were all practitioners, that we would provide that to
20 RIPA and have them review it. That's where there is a
21 little bit of a rub. Not a rub, but they are upset, is
22 the best way to put it, because they wanted to
23 participate in that process on the front end, when we
24 already started it, and we're using these practitioners.
25 That's what the gentleman referred to in terms of

1 AB 846.

2 There is a letter that was submitted to POST in
3 October by the RIPA Board. It doesn't appear that they
4 are -- that they disagree with what you all have
5 approved in early September.

6 And the best way I can describe it, if I understand
7 their reasoning is, we have gone this far. They wanted
8 to go even further. So that package has not been
9 approved by the Office of Administrative Law. They said
10 we have to bring it back to you, based on that letter,
11 so we will be bringing that back to you in March.

12 But that was brought up during public comment.

13 We're working on a dispatcher job task analysis.
14 We have been putting it together for the course of
15 several months. The survey is out to dispatchers across
16 the state -- 800 questions, it's a lot -- for the
17 dispatchers to kind of tell us what they do in today's
18 environment.

19 From that, we hope to update the Dispatcher Basic
20 Course, which is also in the works, and we had some
21 discussion as to whether we should give you a status
22 update at this Commission meeting, as to where we are
23 with the Dispatcher Basic Course, or whether we should
24 wait and just be further along, and we decided to wait.
25 So we will have that -- a presentation for you in the

1 near future.

2 We have also talked previously about the PELLETB
3 test and the automation of the PELLETB. We have been
4 testing it, testing the automated test for the last
5 several months. There are some issues with the scoring,
6 the online scoring of that test. So it's back to the
7 vendor, but we are still working on that as we speak.

8 Public Records Act requests are coming in more so
9 than they ever have. They are not always challenging
10 Public Records Act requests, but there are a lot of
11 Public Records Act requests. And we continue talk
12 about, hey, is there more and more that we can just put
13 online, so it's available and transparent, so we don't
14 have to answer to all these Public Records Act requests?
15 Can we make them available to the public? But that has
16 increased significantly.

17 We're updating, again, our use of force guidelines;
18 our crowd control guidelines are being updated again,
19 all pursuant to new legislation that was passed this
20 last session, the last few months. And the domestic
21 violence guidelines should be up and out shortly.

22 Lastly, we had some direction from the Commission
23 to address the history of policing. You are going to
24 hear about that today, what we're -- where we are at
25 with that. But we did start that process during the

1 last -- the last break between Commission meetings.

2 So where we'll be going in the future. So there's
3 some things that we have left on the plate, admittedly,
4 that you asked us for. So one is a comparison of the
5 Specialized Basic Investigator -- Specialized
6 Investigators Basic Course and the Regular Basic Course.
7 Why do we have two? Should we have one? That was
8 something that the Commission requested.

9 We would like to get back to that. We just haven't
10 had time. It's still on our plate. We have not
11 forgotten about that. We are obviously going to be
12 working on the history of policing, still. And you will
13 hear more about that and kind of where we're going.

14 QAP, Quality Assurance Program, we anticipate
15 bringing that back to the Commission.

16 The Little Hoover Commission has issued a report.
17 We anticipate that there's going to be some further
18 discussions about that report, and you all should have
19 it as to where we need to go. There's a lot of --
20 there's 12 recommendations. 11 of them are for POST for
21 things that we should be doing.

22 So I would like to just take a moment to also
23 address the other comment about incorporating others,
24 outside of law enforcement in the training. And,
25 specifically, the ACLU, since it was brought up. I did

1 not have that in my notes. But just so -- there is
2 always room for improvement. You know, it's somewhat of
3 a cliché to say that, but there is always room for more
4 inclusion. And there are some missteps that we make
5 and, obviously, that others make.

6 In terms of the RIPA Board, some -- aside from, you
7 know, regular stumbles that we have made or maybe they
8 have made, there's also some challenges in that we're
9 under Bagley-Keene. They are under Bagley-Keene. And
10 the timing of when they have their board meetings and
11 when we need information, I think we frustrated each
12 other at times, because we tell them we need stuff by a
13 certain time, and they are not meeting, and vice versa.
14 So that's been a challenge, but we're working through
15 it.

16 We asked the RIPA Board, the president and the
17 vice -- or the chair and the vice chair to come speak at
18 the next Commission meeting, which will be in March. It
19 seems like they are going to accept that.

20 And we want to stick to the AB 846 psychiatric
21 screening questions. We'll obviously allow them -- they
22 can speak to whatever they like, but that's what we're
23 hoping to focus on. But we have asked them to come.

24 Also, with the Little Hoover Commission, we have
25 asked them to come and present their recommendations at

1 the next meeting in March. They have tentatively
2 accepted to do that. We're not positive yet. Probably,
3 it would be their vice chair or perhaps their chair, but
4 it looks like they are leaning towards their vice chair
5 because she's in Southern California. The next meeting
6 is in San Diego.

7 The last -- I guess I'm going back and forth a
8 little bit with the public comment.

9 Just in terms of use of force, we are redoing the
10 use of force guidelines. This will be the third
11 iteration. The ACLU was part of the creation of the use
12 of force guidelines. We included the individual who was
13 the sponsor of AB 392 in those use of force guidelines.
14 He was there for the meetings. He was present for the
15 meetings. So we did include him on that.

16 As you all know, the Commission approved, I believe
17 in February of this -- I'm losing track of my dates; I
18 think it was in February -- a new perishable skills
19 requirement that you recommended in terms of use of
20 force training. We created an outline on use of force
21 specific to SB 230 and AB 329, that agencies could
22 adopt.

23 It's a standardized outline for PSPs. That was
24 reviewed by the ACLU. They sent us, I believe, five
25 recommendations in written form. We adopted four of

1 those recommendations, and they were with us, at least
2 in that regard, I believe, the entire way.

3 Obviously, we can include more community input. We
4 get a better product when we have people from the
5 outside helping us. But I do want to let you know that
6 we are committed to having that inclusion. There are
7 missteps. There's no question that we have made some
8 missteps. But we'll keep forging ahead.

9 And then, lastly, I would also like to recognize
10 Scott Loggins. I know he's here somewhere. I hope he
11 hasn't left yet. But I want to thank Scott. I thanked
12 him earlier today. But Scott is retiring December 23rd,
13 and he's been at POST, I think it will be, ten years in
14 December.

15 But Scott -- when I first started in 2016, Scott
16 came over in 2017, and just invaluable to have Scott
17 there. Somebody who has knowledge and is very level
18 headed and is a very detail-oriented person. He's just
19 been a tremendous asset and a value.

20 So I want to thank you as well, Scott, for all that
21 you have done for the state in terms of POST and,
22 obviously, for your law enforcement career with Sac
23 County. Thank you for what you have done.

24 That concludes my remarks, Madam Chair. Thank you
25 for allowing me to speak.

1 CHAIRPERSON DUDLEY: Thank you, Manny.

2 Many heavy lifts completed and more to come. I
3 really appreciate that.

4 And, Scott, we don't want to turn this into queen
5 for a day of people getting upset about you leaving.
6 But as the Chair, you have been here for me and for the
7 commissioners. And on behalf of myself, my heart, and
8 the commissioners, we are really going to miss you. You
9 have done a superb job.

10 Okay. Our first item is the approval of the action
11 summary and meeting minutes from the September 1st,
12 2021, and September 29th, 2021 Commission meetings.

13 Is there a motion to approve the minutes from the
14 September 1, 2021, meeting?

15 COMMISSIONER BUI: Bui. Motion to approve.

16 CHAIRPERSON DUDLEY: Is there a second?

17 COMMISSIONER BRAUN: Braun.

18 CHAIRPERSON DUDLEY: Thank you.

19 And any questions or comments?

20 (No response)

21 CHAIRPERSON DUDLEY: All in favor?

22 (Ayes)

23 CHAIRPERSON DUDLEY: Opposed?

24 (No response)

25 CHAIRPERSON DUDLEY: That motion passes.

1 Questions? No? That motion passes.

2 Is there a motion to approve the minutes of the
3 September 29th, 2021, meeting?

4 I need another motion.

5 COMMISSIONER BRAUN: Motion. Braun.

6 CHAIRPERSON DUDLEY: Thank you.

7 Second?

8 COMMISSIONER BUI: Second. Bui.

9 CHAIRPERSON DUDLEY: Questions? Comments?

10 (No response)

11 CHAIRPERSON DUDLEY: Anyone opposed?

12 (No response)

13 CHAIRPERSON DUDLEY: All in favor?

14 (Ayes)

15 CHAIRPERSON DUDLEY: Thank you.

16 Let's see. Now the consent items. We will be
17 having presentations on Consent Items 5 through 9,
18 Please let me know if you would like to have
19 presentations on any of the other consent items. Now
20 would be a good time to let me know if there are any
21 other consent items you would like to hear about.

22 (No response)

23 CHAIRPERSON DUDLEY: Seeing no response, we'll
24 proceed with number 5. If you change your mind, please
25 let me know.

1 At this time, I will call upon Bureau Chief Rosanne
2 Richeal, Learning Technology Resources Bureau, to
3 provide us with a report on the Advanced Distance
4 Learning Programs.

5 Welcome, Rosanne.

6 MS. RICHEAL: Thank you, Madam Chair,
7 Commissioners.

8 I also have with me -- my name is Rosanne Richeal.
9 I'm the bureau chief for the Learning Technology
10 Resources Bureau here at POST.

11 I have with me Bureau Chief Drew Wyant from the
12 Management Consulting and Projects Bureau. We kind of
13 tag teamed this Advanced Distance Learning Program when
14 we received the money.

15 So to give a little -- before I go in depth, kind
16 of, into this convoluted process, I want to give just a
17 little bit of background on our distance learning
18 program and how we got to where we are today.

19 So in fiscal year 2021, POST received a
20 reappropriation of \$10 million from the 2018 Budget Act.
21 And this was right at the time COVID kicked off in about
22 March of 2020. We were given a very short -- and I say
23 short -- time frame to turn around ideas of how we would
24 create distance -- distance learning opportunities for
25 the field with that \$10 million. So within the \$10

1 million that we were -- were reappropriated back to us,
2 we came up with three different ideas: One within
3 Drew's bureau and two within my bureau.

4 So the first one, we wanted to create a Distance
5 Learning Grant Program, which Drew will talk about, if
6 you have any questions. And in my bureau, we wanted to
7 increase the functionality of the POST Learning Portal,
8 which is where you get the self-paced courses, the
9 videos, training programs, and also simulators.

10 And then to upgrade the previously produced and
11 develop distance learning courses. So we had nine
12 courses that we wanted to convert and make them more --
13 basically update the content within those.

14 So in the Distance Learning Grant Program, we
15 allocated \$5 million. And in my bureau, we had
16 \$3 million that we -- went towards the learning
17 management system, which was to, again, enhance and
18 upgrade the Learning Portal. But as a part of that, we
19 also needed to create an online or an instructor-lead
20 online platform so that now, during that time frame, we
21 weren't able to teach face to face, so we needed to
22 develop some sort of online platform where we can have
23 instructors develop their courses and then teach in that
24 online platform. We're still in the process of
25 developing that.

1 And then, lastly, again, was the conversion.
2 \$2 million for the conversion of nine different courses.

3 So as we stand today -- and, again, I will let Drew
4 talk about the grants. With regards to the learning
5 management system, what had happened was, as we
6 allocated \$1.6 million to develop the instructor-lead
7 online courses, we discovered, or we were tasked with --
8 from the California Department of Technology and
9 Department of General Services -- a new task, which
10 basically said we had to go through a four-stage process
11 to make sure that the vendor that we were using
12 currently, for the learning management system, was
13 efficient and effective and appropriate.

14 That four-stage process, we are only in stage 2
15 that we just went through. It has taken a long time.
16 It is very arduous. We have had to go back and forth.
17 We had a loss of one of our employees, Lori Cabog, a
18 couple of weeks ago. She was spearheading that with
19 another employee within my bureau. So we have had a
20 couple of setbacks there.

21 What we also had to do is when we came up with
22 these three different opportunities with the \$10 million
23 is, we did not know what the information of bid would
24 be. So if we said we wanted to convert nine courses, we
25 had to basically say, okay, to build out a new online

1 self-paced course, it costs us anywhere from 200 to 250
2 thousand dollars. And that is, basically, whether we're
3 upgrading or enhancing it, we basically start from
4 scratch to get that. So with the nine courses, that's
5 what led us up to the \$2 million.

6 And, again, we hadn't even gone out to bid so we
7 did not know what the bid would come back at, so we just
8 projected that.

9 With regards to the learning management system, we
10 had to take into consideration and forecast that after
11 this process that the California Department of
12 Technology imparted on us, is if we needed to change our
13 new learning management system host right now, then we
14 would need money to upstand a new learning management
15 system. And in the process of upstanding the new
16 learning management system, we would have to keep the
17 old system and the old vendor for a year so we can
18 transition all of the source coding and all of the
19 information on one learning management system to another
20 learning management system.

21 Again, I apologize. This has taken me 18 months to
22 try to figure it out, so it's kind of convoluted.

23 So we took that \$3 million that was towards the
24 learning management system. We used, again, 1.6 to
25 develop the online -- instructor online, and that left

1 us with \$1.3 million that we wanted to be able to save
2 because we knew, at some point, we were going to have to
3 either transition or upgrade our learning management
4 system.

5 So we were trying to hold onto that -- our point
6 was to hold onto that money so we didn't have to take
7 money from the other general budget or anywhere else
8 from within POST. And so fast forward to today, the
9 information that we are providing you is that through
10 the Distance Learning Grant Program, during the learning
11 management system program, and also during the distance
12 learning course upgrades, we have \$3.1 million, pretty
13 close to \$3.2 million, that we would like to take from
14 all three buckets and move it over just to the learning
15 management system, because we're going to need at least
16 that to upgrade our learning management system right
17 now.

18 So I will stop there for a minute if anybody has
19 any questions or wants to ask anything about the grants
20 that came out of Drew's shop.

21 CHAIRPERSON DUDLEY: Commissioner Long, you look
22 like you might have a comment or question? You are
23 good.

24 COMMISSIONER LONG: We heard this at some length
25 this morning.

1 CHAIRPERSON DUDLEY: Okay. Excellent.

2 MS. RICHEAL: So -- and I do want to speak to one
3 point. Earlier, during the Finance Committee,
4 Commissioner Long had asked a point about a discrepancy.
5 We came up with close to 3.2 million, and you had had it
6 about 2.8 million.

7 What we determined is, you probably did not have
8 all the information, which was some of the grants that
9 fell under Drew's shop. Some of those people backed out
10 of the grants at the last minute, which provided the
11 difference between what you had in numbers and what we
12 provided you in numbers. So I wanted to just bring that
13 to your attention, that we looked at that.

14 So, really, that's all we have right now. We did
15 get approval from the Department of Finance to move the
16 monies from one program to another program, so we have
17 our approval there. But this, again, is just more for
18 information so that we can move that money over into
19 this pot so we could work on our -- continue to work on
20 upgrading our learning management system.

21 CHAIRPERSON DUDLEY: Thank you.

22 Drew.

23 MR. WYANT: Good afternoon, Commissioners.

24 CHAIRPERSON DUDLEY: Drew, do you want to take your
25 mask down when you speak?

1 MR. WYANT: My apologies.

2 Yeah. So the Distance Learning Grant Program, just
3 for the new commissioners, to familiarize you with that,
4 it's governmental entities and nonprofit law enforcement
5 educational institutions, to include community colleges
6 and universities in the Cal State University system and
7 university -- the UC systems are eligible to submit
8 applications for this.

9 The training and workshops must address -- in one
10 of the five programs, use of force and de-escalation is
11 one; implicit bias and racial profiling, two; community
12 policing, three; cultural diversities, four; and then
13 organizational wellness is five.

14 We ended up having 21 initial grantees. Of the
15 \$5 million, we actually awarded 4.2, which left us about
16 \$717,000 and some change left over, which we hope to
17 move over.

18 We had four -- three grantees, actually, withdrew
19 from the program due to the pandemic.

20 And one actually completed and left some money left
21 over. And so -- which ended up being about 362,000,
22 which the total there, we had about \$1,079,634 left
23 over, which we hope to move over to the learning
24 management system.

25 So that's just kind of a brief overview of what

1 we -- what we did there. That's all I have.

2 CHAIRPERSON DUDLEY: Any questions for Drew?

3 (No response)

4 CHAIRPERSON DUDLEY: As Chair of our Finance
5 Committee, Commissioner Long, are you satisfied?

6 COMMISSIONER LONG: Yeah. We had a long
7 conversation about that this morning and they walked us
8 through it.

9 CHAIRPERSON DUDLEY: Perhaps when you give your
10 report, you might want to share some or any of that.

11 Oh, my God. Talk about heavy lifts. None of us
12 saw this coming, and we are so appreciative of the work
13 both of you have done in this area.

14 Any other comments or questions from any of the
15 commissioners?

16 (No response)

17 CHAIRPERSON DUDLEY: Okay. Thank you so much.

18 At this time, I will call upon Law Enforcement
19 Consultant David Honda, Training Delivery and Compliance
20 Bureau, to provide us with a report on distraction
21 blows.

22 MR. HONDA: Good afternoon, Chair Dudley,
23 Commission Members, my fellow POST colleagues, and
24 members of the public. My name is David Honda. I'm a
25 law enforcement consultant in the Training Delivery and

1 Compliance Bureau.

2 So, first, let me do a recap of this whole
3 distraction blow report, to help refresh your memories
4 but also to add some context to the original requests,
5 and also for the new Commission members.

6 So at the February Commission meeting, a member of
7 the Advisory Committee requested POST to research the
8 term, or what has become known as "distraction strikes"
9 or "distraction blows." The request was generated from
10 the chief of police from the City of Santa Cruz, and it
11 was -- his concern was over the litigation surrounding
12 an incident involving several of his officers.

13 So that incident focused on a subject who was
14 actively resisting arrest, who was not assaultive or
15 combative in nature. And this incident led to the use
16 of multiple, what they call, distraction strikes to take
17 this person into custody.

18 And the request was centered around the concern
19 that distraction strikes were possibly being taught in
20 the Basic Academy or in-service training as an
21 alternative, or had morphed into a different connotation
22 of what "use of force" really is. So, in turn, that
23 possibly is being interpreted by officers as a
24 justification for using additional force that may not
25 necessarily be needed in a certain circumstance.

1 And then I also wanted to address the possibility
2 of officers not properly documenting use of force,
3 because it was a distraction strike, as opposed to
4 regular use of force.

5 So going back to the June Commission meeting, POST
6 staff did do an initial report on their findings.

7 And then, today, what I'm going to do is summarize
8 everything that we have done at POST up until this date
9 to finalize this report.

10 So POST, they reviewed all the relevant courses in
11 the basic training curriculum and reviewed presenter
12 courses in EDI potentially referencing distraction
13 strikes for in-service training.

14 Staff also visited the Santa Cruz Police Department
15 and were briefed on the incident in question by the
16 chief of police and the supervisor in charge of their
17 Internal Affairs Unit. POST staff also reviewed the
18 body-worn camera footage. And, in addition to that, we
19 also reached out to numerous subject matter experts in
20 the area in Northern and Southern California, which
21 included attorneys, use of force experts, law
22 enforcement training managers, police administrators, and
23 academy instructors who instruct Learning Domain 33,
24 which is arrest and control, and Learning Domain 20,
25 which is use of force.

1 So, subsequently, there are no references to
2 "distraction strikes" in the Basic Course curriculum.
3 And for in-service training, we reviewed 458 courses.
4 The word "distraction" was referenced in a hundred
5 outlines. Only eight of those, however, use the word
6 explicitly referencing "distraction strikes"; and 29
7 outlines reference the term "distraction technique" but
8 did not discern the term in reference to either force or
9 the application of another form of distraction.

10 So distraction strikes are not taught in the POST
11 Basic curriculum, but what is emphasized, from the
12 beginning of Learning Domain 33, and throughout the
13 Basic Course, is the importance of understanding legally
14 justified use of force, arrest and control principles,
15 the need for regular and ongoing training throughout an
16 officer's career, and how all of these are equally
17 necessary to arrest an uncooperative or combative person
18 under a dangerous situation, as safely as possible.

19 So in conclusion, the consensus from all the
20 subject matter experts is, really, there is no
21 difference between a distraction strike and any other
22 strike. Any strike, regardless of what the intent was,
23 is a use of force and should be treated as such. Any
24 strike is a use of force and must be applied in
25 accordance with state law and properly documented. And

1 the terminology around "distraction strike" should not
2 be defined separately, as it would only create confusion
3 and potential misinterpretation by line staff.

4 So to avoid any further possible
5 misinterpretations, POST staff have removed terminology
6 or references to "distraction strikes" or "techniques"
7 from presenter course outlines and are ensuring there
8 are no references to such in new or modified course
9 outlines.

10 So, ultimately, it's up to the individual law
11 enforcement agencies, to ensure that their training is
12 in compliance with POST standards and that their
13 policies adhere to state law.

14 And that concludes my report. So I will open it up
15 to questions.

16 CHAIRPERSON DUDLEY: Thank you.

17 Are there any questions?

18 Such a thorough report. No questions.

19 Oh, we have a question.

20 COMMISSIONER BRAZIEL: Sorry. Hard to see with the
21 mask, right?

22 CHAIRPERSON DUDLEY: Very hard.

23 COMMISSIONER BRAZIEL: If you rip your mask off,
24 it's easier.

25 I don't really have a question. But I am kind of

1 proud of what just happened, because this is the way the
2 system is supposed to work: The chief has a question,
3 works it through the advisory board; the advisory board
4 brings it here; POST staff didn't just say "yes" or
5 "no." You went on site, worked with the agency,
6 identified potential issues with other agencies, and
7 then remedied it. So kudos to staff and kudos to the
8 agency that did it.

9 I hope that that kind of -- the resources that we
10 have here, that gets to Cal Chiefs and Cal Sheriffs, if
11 you have a question, even before you get to litigation,
12 feel free to push it through this room: A Commission
13 member, an advisory board member, or to the executive
14 director. Because we do more than just check boxes.

15 I'm really proud of how this was handled. And
16 kudos to the chief in Santa Cruz for bringing it to the
17 attention, saying, "Hey, we -- I need somebody to look
18 at this. I need a little bit of help." So thank you
19 for all that.

20 CHAIRPERSON DUDLEY: Thank you, Commissioner
21 Braziel.

22 And I agree, from the beginning to the very end, I
23 thought your report was very succinct, clear, and really
24 now understand the issue and can move forward.

25 Thank you.

1 Okay. I'm trying to be sensitive to the -- not
2 court reporter, but stenographer, and so we are going to
3 now take a break and start back up again at 2:45.

4 For planning purposes, I think you should count on
5 being here until at least 5:00, so that we don't have to
6 come back tomorrow. So seven and a half to eight-
7 minute break.

8 (Break taken in proceedings.)

9 CHAIRPERSON DUDLEY: Thanks, everyone. Resuming.

10 And this -- at this time, I will call upon Law
11 Enforcement Consultant Raymund Nanadiego, Basic Training
12 Bureau, to provide us with a report on the Basic Course
13 circulation -- excuse me. Basic Course curriculum
14 regarding the history of policing. Looking forward to
15 this. Thank you, gentlemen.

16 MR. NANADIEGO: Good afternoon. My name is Raymund
17 Nanadiego, law enforcement consultant for the Basic
18 Training Bureau. To my left is Bureau Chief Jim
19 Grottkau.

20 And this report is to update the Commission on the
21 progress of enhancing the curriculum regarding the
22 history of policing in the United States and the Basic
23 Courses.

24 So just a brief recap for our new commissioners.

25 During the June 2021 Commission meeting, the

1 Commission discussed the importance of providing academy
2 students with a history of policing in the United States
3 in order to better understand and appreciate
4 contemporary issues. POST staff provided a report on
5 the current curriculum in the Basic Courses regarding
6 the history of policing.

7 At the September 2021 Commission meeting, the
8 Commission discussed the potential of creating
9 standardized curriculum on the subject. POST staff
10 conducted a review of the current curriculum that is
11 required in Basic Courses, and solicited information
12 from presenters for the report.

13 Since then, POST staff convened a workshop in
14 collaboration with a diverse group of subject matter
15 experts, in November, 2021 to review and evaluate the
16 curriculum in the Basic Courses on the history of
17 policing. The workshop was hosted by the Museum of
18 Tolerance and included representatives from the Museum
19 of Tolerance, the Center for Criminal Justice Research
20 and Training at Cal State Long Beach, college educators,
21 and academy instructors. We thank them for their
22 participation and assistance.

23 So based on the discussion with the subject matter
24 experts, it was determined that Learning Domain 3,
25 Principled Policing in the Community, was the

1 appropriate place to expand content on the history of
2 policing. Framing the expanded content within Learning
3 Domain 3, in terms of historical time periods or eras in
4 the United States, rather than only historical events,
5 would provide examples of diverse experiences that
6 positively or negatively affected the relationship
7 between law enforcement and various communities.

8 POST staff is continuing to assess the suggested
9 methodologies and instructor development ideas to
10 determine their viability for statewide application and
11 consistency within the Basic Course curriculum. This
12 includes an instructor-led video with vignettes and
13 additional resources on the Principled Policing Network.
14 Excuse me. The Principled Policing Instructor Network.

15 We plan on holding a workshop in early 2022 and
16 anticipate that we will have updates to the curriculum
17 at a future Commission meeting.

18 This concludes my report.

19 CHAIRPERSON DUDLEY: Okay. Thank you, Ray.

20 Anything further on that? Okay. Commissioners.

21 Comments? Questions?

22 (No response)

23 CHAIRPERSON DUDLEY: I have a question.

24 Right now, how much time do you think you will be
25 adding to the present curriculum in order to increase

1 people's knowledge about the history of law enforcement?

2 MR. NANADIEGO: We're still determining the content
3 and the minutia of those particular eras. So in regards
4 to a specific time frame that we would be adding, it's
5 difficult to provide an exact number at this time.

6 But at the next workshop that we, have that's when
7 we will do a deeper dive into specific events, eras, so
8 that we can properly expand on the experiences in those
9 time periods.

10 CHAIRPERSON DUDLEY: Okay. Thank you.

11 Yes, Commissioner.

12 COMMISSIONER NIETO: Commissioner Nieto.

13 I do have a quick question. You talked about that
14 during the workshop. You had MOT, CSU Long Beach, and
15 some college professors.

16 Did you reach out to any groups like the ACLU when
17 looking at the history of policing?

18 MR. NANADIEGO: We didn't invite the folks from the
19 ACLU. At this -- at that workshop, we kept it to
20 looking at just reviewing the curriculum and trying to
21 determine what we already have and how we can expand on
22 that.

23 So this upcoming workshop in the spring, we are
24 going to do a deeper dive, a little bit more, and see
25 where we can expand, what we should add, how we would do

1 that. With the nuances for basic curriculum, it's a
2 little bit challenging to navigate, so we want to make
3 sure that we're doing it -- doing a good job on that.

4 CHAIRPERSON DUDLEY: Thank you.

5 Any other questions? Comments?

6 (No response)

7 CHAIRPERSON DUDLEY: Lamont, this was an issue that
8 you brought up.

9 COMMISSIONER EWELL: No. I'm pleased with the
10 direction that they are taking, and I'm also pleased
11 that the Museum of Tolerance is involved. I think
12 that's a credible source that has a lot of resources and
13 a lot of history. So you have my confidence.

14 CHAIRPERSON DUDLEY: Thank you, Commissioner Ewell.

15 Any other questions or comments?

16 (No response)

17 CHAIRPERSON DUDLEY: Okay. Thank you so much.

18 At this time, I will call upon Assistant Executive
19 Director Maria Sandoval, Executive Office, and Bureau
20 Chief -- sorry. At this time, I will call upon
21 Assistant Executive Director Maria Sandoval, Executive
22 Office; and Bureau Chief Jackie Nelson for SB 2,
23 Transition Team; Bureau Chief Colin O'Keefe, Computer
24 Services, to provide us a report on Senate Bill 2,
25 Commission Regulations.

1 And here we go. Welcome.

2 MS. SANDOVAL: Thank you. Thank you for this time.
3 And Commissioners.

4 What I want to do first, though, is give a general
5 overview for the audience, and so, therefore, I
6 apologize for some of the redundancy that you have
7 already read in your agenda item.

8 Senate Bill 2, or SB 2, was signed into law by
9 Governor Gavin Newsom on September 30th, 2021. The
10 legislation was widely viewed as the State of
11 California's single biggest police reform bill. This
12 law will -- this law change will become effective on
13 January 1st, 2023.

14 SB 2 primarily requires the Commission on Peace
15 Officers Standards and Training, or POST, to establish a
16 Peace Officers Standards Accountability Division within
17 the Commission to review serious misconduct,
18 investigations, conduct by law enforcement agencies,
19 conduct follow-up investigations, if necessary, and make
20 findings on matters that may lead to grounds for
21 suspension or revocation of an individual peace officer
22 certification.

23 SB 2 requires the creation of a nine-member peace
24 officer standards accountability board. Additionally,
25 this bill requires California law enforcement agencies

1 to provide POST with serious misconduct data from
2 January 1st, 2020, forward.

3 POST will also be required to issue a Proof of
4 Eligibility Certificate to individuals who qualify for
5 peace officer prior to appointment. This Proof of
6 Eligibility certification will be subject to suspension
7 and revocation.

8 To effectively execute the mandates in SB 2, the
9 transition of data must be electronic. POST will
10 require the development of an electronic platform to
11 securely collect and transmit data between law
12 enforcement agencies and POST.

13 Additional staffing will be required to process,
14 review, and investigate serious misconduct information.
15 Serious misconduct information, which is -- which may be
16 contested by an individual subject to enforcement
17 action, will be reviewed by the Standards Accountability
18 Advisory Board, the POST Commission, and an
19 administrative law judge, in that order.

20 As part of the preparation and implementation of
21 SB 2, POST staff has held one-on-one consultations with
22 agencies responsible for peace officer certification
23 programs in the following states: Arizona,
24 Massachusetts, New York, Nevada, Oregon, Tennessee,
25 Utah, and Washington.

1 While many of these states have some form of
2 certification, revocation, or licensing components, no
3 other state entity has the robust requirements placed
4 upon POST by SB 2.

5 It is important to note that California has the
6 greatest number of peace officers in the nation;
7 approximately 90,000 police officers will fall under the
8 provisions in SB 2. It should be noted that SB 2 also
9 requires non-POST participating entities, 52 within
10 California, the same reporting demands for potential
11 certification revocation.

12 In anticipation of the January 1st, 2023,
13 commencement date of SB 2, the following milestones have
14 been created. As of November 1st, 2021, POST has
15 redirected five full-time staff members to solely work
16 on SB 2 issues. Bureau Chief Jackie Nelson will be the
17 designated project manager and working with three law
18 enforcement consultants, one staff services manager, and
19 one analyst. POST is looking into temporary options to
20 increase the number of staffing to ensure successful
21 implementation of this bill.

22 POST will be holding a workshop in January 2022 to
23 develop a preemployment list as well as a
24 decertification list. Those outcomes, along with newly
25 proposed regulations surrounding SB 2 topics, will be

1 presented to you, the full Commission, at a special
2 Commission meeting on April 27 and 28, 2022.

3 POST will attempt to have a process in place for
4 the issuance of Proof of Eligibility Certificates by
5 July 1st, 2022.

6 Although an extremely aggressive timeline, POST
7 will attempt to have in place an electronic platform for
8 the collection, transmission, and storage of data by
9 January 1st, 2023.

10 Finally, POST will implement the requirements of
11 SB 2 on January 1st, 2023. Again, that was just an
12 overview of SB 2 requirements and timelines, and I would
13 like to turn it over to Bureau Chief Jackie Nelson, who
14 is the project manager, and then to Bureau Chief Colin
15 O'Keefe, who will provide you an overview of the IT
16 component.

17 MS. NELSON: Thank you. Good afternoon, everyone.
18 I apologize in advance for anyone who had to sit through
19 this once already this morning. So bear with us as we
20 go through it again.

21 So as Maria said, my name is Jackie Nelson. I'm
22 the bureau chief leading the SB 2 Transition Team.

23 As just discussed, SB 2 is expansive and has many
24 moving parts. The new law establishes a requirement
25 that peace officers be certified by POST, and it also

1 allows a mechanism to revoke or suspend that
2 certification due to serious misconduct.

3 I'm going to give you an overview of the scope of
4 SB 2 as it pertains to the responsibilities of POST.

5 This process will be highly dependent on the
6 acquisition of IT solutions, which Bureau Chief Colin
7 O'Keefe will go into more detail with you, after I
8 complete my overview.

9 Since this is the first time hearing about SB 2 in
10 this setting, we realize that there are probably a lot
11 of questions you may have of us, and we'll be happy to
12 answer those at the conclusion of our presentation
13 today.

14 So as you can see, we have on the screen, we
15 prepared a visual aid, if you will, to take us through
16 the life cycle of SB 2. So SB 2 has two -- two really
17 significant components. And just to very summarize it,
18 in a very high level overview, there's a prehire, a
19 hiring standard, and then there's a decertification,
20 revocation, and standard on the back half.

21 So starting with prehire, which you see highlighted
22 on this screen, we are going to start with that area
23 there.

24 So -- and just as a point of reference, before I
25 move into the further comments, everything that we talk

1 about today has a implementation date of January 1st of
2 2022, unless specifically identified otherwise, which
3 will be -- I will point out as we go through the
4 presentation today.

5 So effective January 1, 2022, SB 2 provides new
6 hiring and selection standards for newly appointed
7 officers, which I will discuss as we go on. These
8 standards also apply to laterals, reserves,
9 reappointments, out-of-state applicants, and
10 requalifications.

11 Next slide, please.

12 Thank you.

13 So POST's role, historically, has always been to
14 ensure agencies comply with the hiring selection and
15 standards set both by the Commission and the
16 Legislature. This will not change with SB 2.

17 As a result, there are additional disqualifiers of
18 police officers -- peace officer employment which POST
19 will need to confirm as part of the agency compliance,
20 as we move forward.

21 The following are new disqualifiers for newly
22 appointed peace officers effective January 1, 2022, so
23 one month away: Any person who has been discharged from
24 the military for committing an offense which would have
25 been a felony if committed in the state of California; a

1 person who has been convicted of a felony crime shall
2 not regain eligibility for a peace officer employment
3 based on the court setting aside, vacating, withdrawing,
4 expunging, or otherwise dismissing or reversing a
5 conviction; any person who has been convicted of an
6 administrative, military, or a civil judicial process;
7 any person who has previously had their certification
8 revoked by POST; has voluntarily surrendered their
9 certification; or has been denied issuance of a
10 certification; and, lastly, any person who is in the
11 National Decertification Index for misconduct.

12 In addition to the disqualifiers, AB 89 added one
13 additional hiring standard, which is effective
14 January 1, 2022: A peace officer must be 21 years of
15 age at the time of appointment.

16 Next slide, please.

17 So SB 2 mandates that POST create a program to
18 issue a Proof of Eligibility, or what we're calling a
19 POE, to all peace officers who do not already have -- or
20 have a Basic Certificate at the time that they are
21 appointed. And the intent of this is to ensure that all
22 peace officers have a form of certification, so that if
23 action is needed to be taken against them, we are able
24 to do so, if necessary.

25 So this is kind of a tricky component here. So

1 beginning January 1 of 2022, one month from now, the
2 Commission shall issue a POE to any peace officer who is
3 not yet eligible for a Basic Certificate.

4 So what does that mean? That means that people who
5 are currently employed, but aren't eligible to receive
6 their Basic as of this time, we will have to issue them
7 a Proof of Eligibility so that they do have a form of
8 certification with POST.

9 And, roughly, to give you an idea of what we're
10 looking at, we currently have approximately 4,400
11 full-time officers who fall into this category, in
12 addition to over 2,000 reserves who will need a Proof of
13 Eligibility starting January 1 of next year.

14 Starting January 1 of 2023, a year later, the
15 agency -- any agency appointing an individual who does
16 not already have a Basic Certificate shall make
17 application for Proof of Eligibility within ten days of
18 appointment.

19 So POST will require the agency to submit an
20 attestation stating the appointee meets all the
21 requirements under SB 2. POST is working toward a
22 platform to electronically review background material
23 before issuing the POE. Once POST confirms the
24 appointees have met the minimum standards, a POE will
25 then be issued. And the POE will be specific to an

1 agency and not transferable from one agency to the next.

2 So, for example, if an officer is employed and has
3 a POE from one agency, but is not yet eligible for a
4 Basic, if they transfer to another agency, a new POE
5 will be required for that officer.

6 Next slide, please.

7 So as you can see, that is the front half, the
8 hiring standards of officers in their career.

9 And now we're going to move on to the event when an
10 incident could take place. So if a qualifying incident
11 occurs during a peace officer's career, SB 2 kicks in.
12 SB 2 has authorized the revocation and suspension of
13 peace officer certification if the person is or has
14 become ineligible to hold office pursuant to Government
15 Code; or if the person has engaged in misconduct while
16 employed as a peace officer.

17 By January 1, 2023, this Commission, this body
18 here, shall adopt, by regulation, a definition of
19 "serious misconduct." The definition shall serve as the
20 criteria to be considered for ineligibility and shall
21 include all of the following. This is in a summarized
22 form. Dishonesty, abuse of power, physical abuse,
23 sexual assault, demonstrating bias, egregious or
24 repeated violations of law, participation in a law
25 enforcement gang, failure to cooperate with an

1 investigation into potential police misconduct, and
2 failure to intercede with unreasonable force.

3 Next slide, please.

4 So no later than January 1 of 2023, SB 2 creates
5 the Standards Accountability Division within POST, which
6 we are calling SAD. And it is the legislation. Don't
7 beat us for that. Thank you.

8 So the primary responsibility of the division shall
9 be to review investigations conducted by law enforcement
10 agencies and to conduct additional investigations, as
11 necessary, into serious misconduct, that may provide
12 grounds for suspension or revocation of a police
13 officer's certification. The division will also present
14 findings and recommendations to the board and to the
15 Commission.

16 It should be made clear, though, that the division
17 shall only have authority to review investigate --
18 pardon me. Let me start that again. We will only have
19 the authority to review and investigate allegations for
20 purposes of decertification.

21 And investigations can come to POST through a
22 variety of different avenues: First and foremost is
23 POST will be responsible to accept complaints from
24 members of the public; agencies must report all
25 allegations that could result in revocation to POST

1 within ten days; the board -- which I will talk about a
2 little bit here shortly -- may request the division
3 review and investigate a file or recommend that the
4 Commission direct the division to investigate; the
5 Commission may direct the division to review and
6 investigate a file or investigate a peace officer; and,
7 lastly, the division may investigate without the request
8 of the Commission or board.

9 So SB 2 has many specific requirements for this
10 portion of POST's role. And some of these requirements,
11 as I highlight, are:

12 There is notification criteria for both the subject
13 officer, the employing agency, and the district
14 attorneys of record at various times throughout the
15 investigation;

16 We have a mandatory records retention for
17 investigations, which is 30 years;

18 The ability to voluntarily surrender a
19 certification, which then cannot be reactivated at any
20 time.

21 When a police officer is notified that POST will be
22 moving toward a suspension or revocation of their
23 certification, they will have 30 days to request a
24 review. If the request for review is not made, that
25 certification shall be suspended or revoked without any

1 further proceedings.

2 Furthermore, and this is kind of an important
3 point, that by July 1 of 2023, any agency employing a
4 peace officer shall report to the Commission any event
5 that occurred between January 1, 2020, and January 1,
6 2023, which become reportable pursuant to SB 2.

7 So what that means is, there's a three-year retro
8 component for review of possible action and
9 decertification. So agencies are required to go back
10 three years and review if there's any SB 2 requirements
11 that would require reporting to us.

12 The Transition Team is working on all of these
13 components, including a case management and reporting
14 system, internal processes and policies, legal review,
15 and many more aspects of implementing this portion of
16 SB 2.

17 Next slide, please.

18 So the governor, effective January 1, 2023, is
19 establishing the Peace Officer Standards Accountability
20 Advisory Board. This board will contain nine members to
21 be appointed, as described by law, which are mostly
22 governor appointees and some legislative appointees.
23 The board will be the first level of review and their
24 purpose shall be to make recommendations on the
25 decertification to the Commission.

1 All members of the board shall complete a 40-hour
2 decertification training course developed by POST, and
3 we are currently in the process of establishing that
4 training at this point.

5 The board must meet no fewer than four times per
6 year and must do so in a public meeting.

7 Next slide, please. Thank you.

8 So the POST Commission then shall review all of the
9 recommendations made by the board. If the Commission's
10 decision is to, in fact, adopt the recommendations made
11 by the advisory board, a two-thirds vote will be
12 required by this body that serious misconduct, in fact,
13 did take place.

14 Once the Commission returns any determination
15 requiring action be taken against an individual's
16 certification, it will come back to the division, who
17 will then initiate formal proceedings before an
18 administrative law judge.

19 And, lastly, as I talked at the very beginning,
20 that this covers a whole life cycle of an officer's
21 career. The last component of SB 2 requires agencies to
22 submit an Affidavit of Separation describing the reason
23 for separation and shall include whether the separation
24 is part of a settlement of any criminal, civil, or
25 administrative charge, and the affidavit shall be signed

1 under penalty of perjury. And that will apply to any
2 reason for separation, be it retirement, misconduct,
3 any -- anything that will apply to.

4 And, lastly, because of all the multiple moving
5 parts of SB 2, we, POST, will anticipate that there will
6 be a significant amount of regulation changes that will
7 have to be brought before this body, through changes,
8 additions, modifications. And so as AED Sandoval just
9 said, that we will likely be asking for a special
10 session to hear these regulatory changes all in one
11 setting.

12 So -- and at this time, I will be happy to turn
13 this over to Bureau Chief Colin O'Keefe for further
14 comments, and then we will take questions at the end.

15 Thank you.

16 MR. O'KEEFE: Thank you.

17 Good afternoon, Members of the Commission. I'm
18 Colin O'Keefe. I'm the bureau chief for Computer
19 Services here at POST.

20 So I just want to give a very brief overview on how
21 we intend to approach this, this bill, with
22 technological solutions. Every business process within
23 SB 2 is backed up, to some degree, by an IT system. In
24 discussing the bill's breadth and scope with POST SB 2
25 work groups, it's apparent there's no one system that

1 will accommodate all of SB 2's mandates.

2 The implementation timeline is also short, with the
3 majority of IT functionality needing to be online by
4 January 1st of 2023.

5 In addition to the typical hurdles of any project,
6 which includes gathering requirements, evaluating
7 products, programming systems using internal resources,
8 etc., there are budgetary and state control oversight --
9 state control agency oversight factors that will impact
10 this project.

11 Requested funding aligns with the budget cycle and
12 will become available around July 1st, 2022, leaving
13 about six months to procure and implement any
14 vendor-provided systems. Additional staff positions,
15 both technical- and law enforcement-related, will also
16 become available at that time. Posting, hiring, and
17 onboarding new staff will cut into that six-month
18 period.

19 Department of General Services and California
20 Department of Technology have significant oversight
21 functions in any IT procurement of this size, and that
22 oversight generates additional tasks and analyses that
23 must be performed by POST before implementing any
24 system.

25 So with that overview, I will get into our strategy

1 for how we're going to work this. Those factors in
2 mind -- we're taking a two-pronged approach on the
3 information technology side. We clearly need to run
4 several development projects and outside procurement in
5 parallel to meet SB 2's aggressive timeline.

6 Two approaches to this work are, number one,
7 leveraging existing internal processes and systems,
8 mainly EDI, that are already in operation, modifying and
9 enhancing them, where necessary, to accommodate SB 2.
10 This will allow current Computer Services programming
11 staff to tackle specific bill requirements that affect
12 our already-in-place working groups and systems.

13 And our second approach is to procure an outside
14 vendor to provide a case management, as Jackie
15 mentioned. And that will handle SB 2's new business
16 mandates for agency reporting and investigation of
17 misconduct, as well as POST investigation oversight of
18 agencies.

19 So to explain these two approaches a bit more
20 briefly, going back to leveraging internal systems,
21 SB 2's requirements involving appointments,
22 terminations, and Proof of Eligibility. The appointment
23 process in EDI will be modified to comply with the
24 requirement for attestations and Proof of Eligibility.
25 Attestations will be incorporated into the EDI

1 appointment process for each new appointment to a law
2 enforcement agency. Attestations will be reviewed by
3 the POST Certificates Unit staff to issue the mandated
4 POE, or Proof of Eligibility, to non-Basic Certificate
5 holders. Upon POE approval by certificate staff,
6 appointments will be made active in EDI.

7 POST technical staff is also modifying the in-place
8 certificate review and issuance programs to allow
9 issuance, suspension, and revocation of Proof of
10 Eligibility and Basic Certificates.

11 The Notice of Termination will be modified as well,
12 to allow upload of assigned Affidavit of Separation, to
13 collect and store additional reasons for termination,
14 and to collect the individual's last contact
15 information, including e-mail, address, phone, etc.

16 And just as an aside, SB 2 also requires
17 publication or making publicly available some
18 information, and we do plan to support that, probably
19 with the existing open data website that we have run for
20 several years, and that is a website that currently
21 allows searches on course materials, in compliance with
22 a previous senate bill, 978.

23 And a word about the second part of the approach,
24 external technology. This will be a new system
25 acquisition in support of misconduct records and

1 investigations, which are brand new SB 2 business
2 requirements.

3 Law enforcement program staff and IT staff within
4 POST have evaluated a wide range of case management and
5 internal affairs applications, as well as visited
6 several out-of-state POST agencies to see their
7 processes; seeking a system that accommodates several
8 processes, including the agency reporting to POST of
9 allegations that will lead to a law enforcement
10 officer's suspension or decertification; receiving
11 materials related to investigation; disposition of the
12 investigation; internal routing to POST staff for
13 oversight, follow-up; and, finally analytics functions,
14 which means extracting and publishing reports necessary
15 to the accountability board, Commission, legal staff,
16 and others.

17 And, in the longer term, we hope to procure a
18 system that also will support integration of background
19 checks.

20 So, in summary, a very real concern for POST on the
21 IT side is the procurement process and the length of
22 time to put the platform in place. We have been quoted
23 by vendors approximately one year from July, which could
24 provide a challenge for POST. SB 2 mandates, as well as
25 the required timelines, present challenges also for

1 staffing, procurement, and internal modification of IT
2 systems. However, once we do have these in place, we
3 believe this technology approach puts POST in a position
4 to handle the anticipated increased communication,
5 oversight, and data retention required by SB 2.

6 And that concludes my report.

7 CHAIRPERSON DUDLEY: Okay. This is a lot. Thank
8 you. This is a lot to take in and a lot to consider.

9 I have now sat through this twice, and I'm still
10 learning more information, and I keep thinking of more
11 questions, and a certain amount of anxiety, because the
12 expectation is very high, and what we're about to embark
13 upon is critically important.

14 So questions? Comments?

15 Yes. Commissioner Ewell.

16 COMMISSIONER EWELL: For clarification, I guess,
17 I -- if an individual is suspended or goes through the
18 certification, and they go through an appeal, does this
19 body here pay for review? Or is this a full-blown
20 public -- I mean, a full-blown hearing?

21 CHAIRPERSON DUDLEY: So we are not investigators
22 and we will not become investigators, so that will never
23 be our role.

24 And would you like to respond to that, Maria?
25 Because you and I have discussed this many times.

1 MS. SANDOVAL: Unless Jackie wants to.

2 MS. NELSON: I want to. Yes.

3 So Commissioner Ewell, yes. So this board will
4 hear a presentation on each investigation that is
5 brought before you for recommendation on
6 decertification. It will not be a evidentiary hearing,
7 per se. That will be before the administrative law
8 judge at the final conclusion. But you will hear all of
9 the details of the investigation that will lead you to
10 make a decision on whether or not it will be --
11 recommend decertification or not. I'm sorry. I'm
12 talking too fast.

13 So, yes, you will have enough information as to
14 the -- presented to you on each specific case we bring
15 before you.

16 CHAIRPERSON DUDLEY: I think what Commissioner
17 Ewell is seeking is, what kind of information? What
18 quality of information? Where will the information be
19 coming from for us to make such an auspicious decision?

20 MS. NELSON: So we will be doing, as part of
21 SB 2 -- and the intent of this is that agencies will be
22 doing investigations themselves; the employing agency of
23 the law enforcement personnel.

24 POST will then do a review of that. And if
25 additional information or investigation is needed, we

1 will then either do it ourselves, or we will send it
2 back to the agency for further information. All of that
3 information will be relayed to us, which will, in fact,
4 be relayed to you all, as part of the review process.

5 So you will see the investigation in summary; the
6 entire -- the entire case file at that point, after it
7 goes to the advisory board. Correct.

8 EXECUTIVE DIRECTOR ALVAREZ: If I may add, Madam
9 Chair.

10 So some states do it in varying ways. Some allow
11 testimony, some do not allow testimony, and it's all
12 paper-driven, so to speak; that you read the reports,
13 you see the evidence, whatever that may be, whether it's
14 body-cam footage or police reports. That remains to be
15 defined. I believe we have to define that in regulation
16 as to how that information will be presented to you all,
17 whether testimony is allowed, testimony is not allowed,
18 and such. That's part of the work in process.

19 COMMISSIONER EWELL: Last question.

20 As someone who had to live through a records
21 retention nightmare in San Diego, how did 30 years come
22 about as the retention of records? Initially, I mean,
23 with hopes, there would be fewer people that you will
24 have to track. But over time, it's going to require a
25 great deal of storage.

1 MS. SANDOVAL: I think the intent of the 30 years
2 was an average individual's career, so they wanted us to
3 hold on to the records so they weren't purged after,
4 let's say, five years of separation from an agency.

5 And we're looking to store those electronically.
6 Because if we had to house those -- I'm not in
7 records -- in-house, we would need a couple of buildings
8 to do that. So that's where I believe that 30-year came
9 from. But it's an arbitrary number, from what we
10 understand.

11 CHAIRPERSON DUDLEY: And going back to Commissioner
12 Ewell's first comment, I think what this Commission will
13 expect is that if we have any questions or we're seeking
14 further investigation on any decisions that we need to
15 make, that those will, in fact, be sent back to an
16 agency in order to explore any of the issues that we
17 have.

18 We want to -- I think before we make a decision --
19 I know, before we make a decision, we are going to want
20 all the information that we want in order to make that
21 decision. So I guess I'm looking for some assurance,
22 because nobody here wants to be a rubber stamp, and I
23 know that's not what you are asking.

24 MS. SANDOVAL: No. And I -- so it goes to the --
25 the agencies do the investigation. It comes to POST.

1 POST reviews the investigation to make sure that it
2 meets certain standards that --

3 CHAIRPERSON DUDLEY: That's POST staff. Could you
4 just separate out staff and Commission.

5 MS. SANDOVAL: POST staff. I apologize for that.
6 And if we see any glaring deficiencies, we will
7 send that back to the agency to ask for further
8 information.

9 At that point, it goes to the bureau chief, the
10 AED, and then we take it to the advisory board. They
11 sit through the hearing as well. So that's delivered to
12 them. We do -- we are going to have attorneys in-house
13 as well. They will be probably the ones who do the
14 hearing with the board.

15 After the board either agrees or disagrees with
16 us -- so that's another set of eyes --

17 CHAIRPERSON DUDLEY: That's the advisory board. So
18 you have two boards.

19 MS. SANDOVAL: The SAD advisory board.

20 CHAIRPERSON DUDLEY: Okay. It's a lot.

21 MS. SANDOVAL: Then it goes to the Commission. So
22 it goes through a lot of different channels, to have a
23 lot of different eyes on it and reviews. So it doesn't
24 just come from the agency saying this needs to be
25 decertified and we just send it to you.

1 CHAIRPERSON DUDLEY: Okay.

2 MS. SANDOVAL: We're trying to take the guesswork
3 out for you completely. But, then again, you do have
4 the option to say, "We don't believe this meets the
5 threshold."

6 EXECUTIVE DIRECTOR ALVAREZ: Madam Chair.

7 CHAIRPERSON DUDLEY: Yes, please.

8 And Toby would like to add to this.

9 EXECUTIVE DIRECTOR ALVAREZ: Madam Chair, if I
10 may --

11 CHAIRPERSON DUDLEY: Please.

12 EXECUTIVE DIRECTOR ALVAREZ: -- the language in the
13 bill is very, very specific, that the primary
14 responsibility of conducting investigations, as Maria
15 has stated, falls to those agencies to conduct those
16 investigations.

17 Our job is to review. The language in the bill
18 says we can investigate if necessary.

19 Now, those protocols also have to be defined,
20 probably in regulation, as to what procedures we take if
21 we have to go back to an agency or if we have to conduct
22 some form of investigation. I think that should
23 hopefully be codified or documented somewhere so we
24 follow those procedures.

25 But as Maria stated, the primary responsibility is

1 with those agencies.

2 CHAIRPERSON DUDLEY: So in the follow-up of these
3 investigations, would you expect to have POST staff do
4 the investigations, or would you expect that we would
5 hire somebody? Or any thoughts about that?

6 EXECUTIVE DIRECTOR ALVAREZ: So that was some
7 language that we asked be included in the bill, based on
8 what we saw in other states --

9 CHAIRPERSON DUDLEY: Right.

10 EXECUTIVE DIRECTOR ALVAREZ: -- specifically in
11 Washington state. And we addressed that with the
12 sponsors of the bill, the authors, and some of the
13 different associations and groups.

14 Our goal is to push it back to the agency. The
15 concern is, if there is something that is required that
16 they cannot provide us, for whatever reason, or they are
17 unwilling to provide us, that we have the ability to go
18 out and do that.

19 In other states -- in Washington, my understanding
20 is, they had to make a formal request to that
21 department. And if the department said, "Hey, we're
22 not -- don't have the resources, we're not doing it,"
23 then it ends there. That gives us the ability to
24 conduct an investigation, if necessary. Or perhaps it's
25 simply getting a certified copy of a document that's

1 needed because we know the ALJ is going to require that.

2 A lot of internal affairs investigations are done
3 by outside investigators, not from a department, and you
4 could see where we could ask for certain things to be
5 done, and a small department says, well, we hire that
6 out. That's going to cost us \$3,000. We don't have the
7 resources to do it or we're not going to do it. Or
8 we're forced to have to call a private investigator to
9 get that information and that additional investigation,
10 the private investigator says you got to pay me \$3,000.
11 So that wiggle room is in there.

12 But our goal is really to have thorough, in-depth
13 investigations, and follow-up, if needed, being done by
14 the agencies -- by the departments. It is very clear
15 that's what the departments want, we want -- and that's
16 what we want. So if we have to, then it would be us,
17 but we're hoping that it would not be as often as one
18 would think might happen, I guess. But the hope is that
19 they -- that they give us the information in a thorough
20 fashion, and that's clear that that's what they want to
21 do.

22 CHAIRPERSON DUDLEY: You said you visited Arizona's
23 program? What state did you mention?

24 EXECUTIVE DIRECTOR ALVAREZ: Arizona was one of
25 them.

1 I believe Washington state is the one that added
2 that specific language to give them a little bit of
3 wiggle room, if necessary.

4 CHAIRPERSON DUDLEY: And was there -- did they tell
5 you how often they still had questions once they had the
6 agency's report?

7 EXECUTIVE DIRECTOR ALVAREZ: I don't believe so.

8 CHAIRPERSON DUDLEY: Okay.

9 MS. SANDOVAL: Madam Chair, one thing that we are
10 very cognizant of is, we don't want to send our
11 quote/unquote investigators to an area to investigate we
12 have no sworn peace officer powers.

13 CHAIRPERSON DUDLEY: Right.

14 MS. SANDOVAL: We would like to, if necessary,
15 assist, at the most. We don't want to get into the
16 investigative side of the house. I don't think that's
17 within our purview here with POST. We want -- we will
18 assist, if necessary. But I can't imagine sending our
19 law enforcements consultants out to the field to do an
20 investigation and knock on doors.

21 CHAIRPERSON DUDLEY: I understand and I agree.
22 Thank you.

23 Other questions or comments?

24 COMMISSIONER BARCELONA: I do, please.

25 CHAIRPERSON DUDLEY: Yes, please, Commissioner.

1 COMMISSIONER BARCELONA: The SAD investigators -- I
2 think you need a new acronym. But are those going to
3 be -- are they going to be, you know, prior law
4 enforcement-type folks? Because I think that because
5 you are investigating the types of things that we all
6 do, you have to have a good background in that. And I
7 think that a certain amount of thoughtfulness needs to
8 be done at the very beginning, because we're talking
9 about ending someone's career, and they could possibly
10 be even moving on to some type of criminal charge as
11 well.

12 So I take it incredibly serious, because when that
13 recommendation comes, I certainly don't want to see it
14 on a consent. I want to know exactly what happened and
15 why and be able to look at it, because I'm going to
16 terminate someone's livelihood and possibly, you know,
17 be a catalyst for something worse for them to happen.

18 So I think what's happening is, we have to really
19 put a lot of thought in it. I know you guys are. But I
20 want to make sure that the right folks are looking at
21 these things, and that when it comes to the Commission,
22 that we have full information so that we can make the
23 best decision possible.

24 Thank you.

25 MS. NELSON: I agree, Commissioner Barcelona.

1 And just for clarification, the investigators for
2 the unit will be our law enforcement consultants, and
3 the bill itself specifically says that each investigator
4 within this division must have experience significant
5 that could be lent to the position, so they have to be
6 experienced investigators.

7 CHAIRPERSON DUDLEY: Thank you.

8 Other questions? Comments?

9 Yes, Commissioner O'Rourke.

10 COMMISSIONER O'ROURKE: Yes. Just kind of
11 following back what Commissioner Barcelona was just
12 saying. Looking at everything. So are we going to only
13 get it the two weeks out prior to the meeting, on, like,
14 the agendas? The cases are pretty huge, if we want to
15 review everything.

16 EXECUTIVE DIRECTOR ALVAREZ: I will jump in here.
17 And I think Toby, Mr. Darden, can address it.

18 But at a minimum, it's two weeks, right? It will
19 all be Bagley-Keene information that has to be pushed
20 out to the public. I mean, we can try to work on
21 timelines to try to put the stuff out sooner, I guess.
22 I mean, I guess if we were going to have a meeting in
23 March, and we get the information and it's ready to go
24 in February, we'd push that to the June meeting, so to
25 speak, so that we are a little bit behind, and it gives

1 you a little bit more time to review the information.

2 But we do believe that the information that will
3 come to you, and that will come to that advisory board,
4 will be a lot of information for you to review. There's
5 no question. So we know it's going to take significant
6 time. So that's a possibility, that we can put it
7 forward and then give you extended time to review it.

8 MR. DARDEN: And if I may, Manny.

9 So it's a very good point, because even one of
10 these matters can contain a significant amount of
11 documentation, but we may have multiple matters that
12 we'll have to consider. We may not be able to get away
13 with three or four meetings a year. We may have to have
14 more meetings of the full Commission. And I think it is
15 important that we try to build a timeline in so that you
16 can do a good review.

17 One of the things I wanted to say -- I won't take
18 too much time, but if you don't mind -- just building on
19 what everybody has said.

20 I want to make it clear, the way the bill is
21 structured, it's a very detailed and convoluted and long
22 bill. But if you break it up into little pieces, it's
23 easier to understand.

24 And so basically the division will review these
25 investigations and/or conduct their own investigations

1 to determine if they believe action against an officer's
2 certification is warranted. If they do, it then goes up
3 to the advisory board.

4 The advisory board, in this case -- what we were
5 talking about earlier -- is required to make a
6 decision -- and this is an interesting language in the
7 bill -- "by clear and convincing evidence," that it's
8 necessary to move forward with this action.

9 That raises the question for me as to exactly what
10 type of hearing is contemplated in front of the board
11 and whether or not we should build in something to make
12 it more of an evidentiary hearing or if it's just a
13 paper review. I agree that it looks like it's a paper
14 review, but that "clear and convincing evidence"
15 language is just interesting.

16 Keep in mind, though, that some of these
17 investigations may already have had hearings that have
18 occurred, so the agencies themselves may have gone to a
19 board of review or a state personnel board or something
20 along those lines. So there may already have been an
21 investigation. In addition to all of the investigation
22 that was done, there may already be a hearing with
23 testimony and so forth.

24 So all of that will be reviewed by the division.
25 It makes a recommendation to the full Commission. Then

1 if the full Commission wants to go forward with it, the
 2 full Commission has to approve it by a two-thirds vote.
 3 If the full Commission approves it, then it goes back to
 4 the Office of Administrative Hearing for a full
 5 evidentiary hearing under the Administrative Procedure
 6 Act, by an administrative law judge.

7 So there's a lot of duplicative hearings and due
 8 process that's built into this. And I think it's just
 9 going to matter, for us, that we think about and try to
 10 have a very dynamic and good set of regulations that
 11 will allow this to all happen, it can all be heard, due
 12 process is heard, but without, perhaps, doing a whole
 13 lot of duplication of multiple evidentiary hearings,
 14 like five or six evidentiary hearings. That just
 15 doesn't make sense. So there's that.

16 As to the review, I just wanted to mention, one of
 17 the issues that we're going to face on the 30-year
 18 retention is PRA requests. You know, the Legislature
 19 has scaled back -- I'm sure all of you, as law
 20 enforcement professionals know, with SB 1421 and now
 21 SB 16 -- a number of the categories of materials that
 22 have previously been inviolate is protected. Pitchess
 23 peace officers materials are now public information.

24 There are still some categories of information,
 25 though, which is protected and which is private. And if

1 we get a PRA request, we would have to try to protect.

2 So it's going to create a number of issues along
3 that line as well, because all of you who have looked at
4 these investigations know that these investigations are
5 very voluminous; there could be hundreds of files, and
6 there could be a lot of information in there, some of
7 which may be independently producible under the PRA, and
8 some which would not be. So that's going to require a
9 significant amount of work just to manage that.

10 And so we're talking about, you know, what
11 documents are going to be retained and how we're going
12 to work through that whole process. So, certainly, a
13 lot of challenges.

14 I didn't want to take up the time, just to let you
15 know about all the various layers of hearing and review,
16 and we're trying to figure that all out.

17 EXECUTIVE DIRECTOR ALVAREZ: Madam Chair, thank
18 you. If I may add one thing, and then ask a question of
19 Jackie, in terms of how many of these we anticipate
20 having, which is a big unknown. But, obviously, if
21 there is -- if there's a notification to the individual
22 that we are going to proceed, that we believe there's
23 sufficient information to proceed to a revocation, then
24 there's a notification. If that person does not appeal,
25 then it's an administrative revocation; it doesn't go

1 through this process. We don't know how many of those
2 there are going to be, but that is there, and maybe that
3 will reduce some of the numbers.

4 But Jackie, I know we're kind of taking a wild
5 guess. How many of these have we talked about
6 potentially coming through? And I know it's a guess.

7 CHAIRPERSON DUDLEY: Before you answer that, I want
8 you to answer the other piece of that, which is, we're
9 going back two years. That's an outrageous look back --

10 MS. NELSON: Three for implementation.

11 CHAIRPERSON DUDLEY: Two years, going back to 2020.
12 Three.

13 So when we begin the process, we are going to see,
14 I assume, if it's like any other process, a surge at the
15 beginning. And then once we're only dealing with the
16 more recent cases, a leveling out.

17 So if you could speak to the issue of the surge,
18 the leveling out, and then answer the executive
19 director's question.

20 MS. NELSON: Okay. So, yes, thank you, Madam
21 Chair.

22 And I just want to throw out there this process is
23 still being developed by us. It's fluid. There's going
24 to be a lot of corrections along the way, and we just
25 ask that you guys bear with us as we work through this

1 process. It's huge. We have only had it ourselves for
2 less than two months.

3 So having said that, by way of comparison, we went
4 to Arizona and Washington Commission meetings and how
5 they handle their decertification process. They have
6 15,000 peace officers compared to our 90,000. And they
7 are doing roughly 250 to 300 per year. So we did do our
8 own --

9 CHAIRPERSON DUDLEY: Could you give us those
10 numbers again? So it's 15,000 as compared to 90,000.

11 MS. NELSON: Correct.

12 CHAIRPERSON DUDLEY: So that's -- and then it's --
13 go ahead.

14 MS. NELSON: So we have done our best guesstimates,
15 and the way we came about this is we polled small
16 agencies, large agencies, middle-size agencies, north
17 and south, just to kind of get a feel, how many cases
18 per year do you have; how many of them would result in
19 serious misconduct.

20 And keep in mind that every agency currently has a
21 different definition of "serious misconduct," so they
22 are apples to oranges in a lot of ways; they are not all
23 even.

24 And so we are anticipating likely within -- with
25 the three-year retro and current stuff, that you may see

1 upwards of a thousand cases come before you.

2 Don't run everybody. You are here.

3 CHAIRPERSON DUDLEY: So that's a thousand cases per
4 year.

5 MS. NELSON: No. I apologize. I think it's a
6 thousand cases including the retro. And, after that, it
7 obviously will level out. To what degree, it's, really,
8 we don't know. We don't know.

9 CHAIRPERSON DUDLEY: So in looking forward, we may
10 need to have Commission meetings once a month during the
11 surge.

12 MS. NELSON: Yes. And that is how Arizona and most
13 commissions are doing it. They are doing it monthly --

14 CHAIRPERSON DUDLEY: Okay. Thank you.

15 MS. NELSON: -- to meet the demand.

16 CHAIRPERSON DUDLEY: Yes. Please, Commissioner
17 Gordon.

18 COMMISSIONER GORDON: First of all, Manny, you lied
19 to me.

20 (Laughter)

21 EXECUTIVE DIRECTOR ALVAREZ: I said it would be a
22 little bit more work.

23 COMMISSIONER GORDON: But I have two separate
24 questions. The first would be, in terms of when we're
25 talking about this documentation, and what we see as the

1 Commission. So, personally, as a chief, I review every
 2 single investigation that we have. So I know how much
 3 time I spend. And I would not, as a member of this
 4 Commission, do anything less for anyone that I hear on
 5 this board and put either a yes or a no to it, because I
 6 take the responsibility of both just as seriously. One
 7 is just as serious as the other, whether someone retains
 8 their police officer status, or peace officer status, or
 9 does not.

10 So I do think, you know, when we talk about the
 11 amount of time, the regulations, as you develop them, my
 12 expectation would be is that what we see -- it's not
 13 that we don't trust what we're being given, but I just
 14 know, from having a great understanding of what these
 15 investigations look like and what goes into them, and
 16 what I'm looking for to make decisions, that, for me,
 17 personally, I'm going to want to see a lot of
 18 information for me to base that decision off of.

19 I know we have some PRA and some other things, and,
 20 you know, the public issue in terms of what we have to
 21 provide in terms of our meetings.

22 But in terms of the crafting of those regulations,
 23 for me, personally, I would like to see a pretty robust
 24 body of evidence to review in terms of decision making.
 25 That's just for me, personally.

1 And, you know, the second part of that is, when
2 we're talking about time, and we're talking about having
3 to push out, you know, for me, I also have officers that
4 work under me and have that hanging over their head. So
5 I think we still have to be cognizant of is that there
6 is -- there's a process, but there's also a human being
7 on the other side of it, with families and a lot of
8 considerations on that.

9 And as a chief, there's also the consideration of
10 trying to determine -- I may determine, within my own
11 department, that I'm going to retain them. They may
12 have received discipline, but I have retained them, and
13 they still continue to be a police officer.

14 But that status still remains up in the air with
15 them knowing that they still have this process. But the
16 same thing for me, in determining where my department
17 goes, trying to determine that process.

18 So I just think, as a commission, we have to be
19 mindful of those things when we're looking at the
20 regulations and how we're doing this. And although we
21 may have three years within statute to complete this, I
22 would really hope that we won't take three years to do
23 this, because I do think that that's unfair no matter,
24 regardless of the outcome.

25 So -- and then just one other point of

1 clarification, because I just want to make sure I have a
2 clear understanding, because I listened to it this
3 morning and listened to it this afternoon. And there's
4 a new -- something new even from this morning till this
5 afternoon.

6 But I have a question on what we're going back. So
7 if -- let's just give an example. If, based on the way
8 I read SB 2 -- and maybe you can answer this as well.
9 All the departments are going to handle -- be required
10 to present any allegations. So let's say there's an
11 allegation of someone made a determination on a traffic
12 stop and this -- the complainant feels that it's because
13 of race that they were stopped. And we have body cam,
14 and we do an investigation and we determine it's
15 completely unfounded. But the way SB 2 reads, we have
16 to provide all that information to POST.

17 Are you going to have a specific investigator that
18 works through those rapidly, so that in terms of agency
19 and in terms of us, we know, you know, we're going to be
20 able to vet through a lot of those quickly?

21 MS. NELSON: That's a very good question. And
22 we're currently working on what we anticipate our
23 staffing models to look like. For example -- and this
24 is just very roughly -- we're anticipating maybe having
25 one bureau be nothing but excessive force bureau, who

1 has the expertise and background to support those.

2 We're also debating and contemplating -- and,
3 again, this is -- nothing is set in stone -- that we may
4 have a unit dedicated just to the retro components to do
5 the backlog of those. Again, it's going to be staffing
6 dependent and what we get and how we unfold this moving
7 forward.

8 But it would be my anticipation, as the head of
9 this project, that we will never have a case that takes
10 three years to get through fruition. It's just not
11 reasonable to do that. So how do we do that in
12 regulation moving forward? How do we come up with these
13 timelines? I don't know yet. It's too early to unfold
14 all that. But I assure you that would be our intent.

15 And everybody involved in this project has had
16 significant experience in being the commanders of
17 internal affairs divisions, having chief level
18 oversights. We are definitely taking every aspect of
19 this very, very seriously. And I understand all of
20 those concerns from the other perspective as well.

21 COMMISSIONER GORDON: I just want to -- just one
22 additional excellent. I just want to say thank you to
23 you and your staff. It's clear to me, from this
24 morning's presentation and this afternoon's
25 presentation, that you are, in fact, being extremely

1 thoughtful with all of this and the process. So just
2 know that, for me, I recognize that, in a very quick
3 amount of time. But the professionalism and what you
4 provided to the Commission today is really appreciated.
5 So thank you.

6 MS. NELSON: Thank you.

7 CHAIRPERSON DUDLEY: Commissioner, one moment,
8 please.

9 Commissioner Gordon, thank you for making that
10 comment and I also share my enthusiasm. I support the
11 amount of work this has taken and how -- you have done
12 extraordinary work. A herculean lift to get us to this
13 point.

14 As the district attorney, I have to review every
15 officer-involved shooting incident, and I am acutely
16 aware that there is an officer who is at home,
17 suffering, and not sleeping well every night, not
18 knowing the result of my inquiry. And I think all of us
19 have -- understand that sentiment.

20 Now, given that, and given these -- this 1,000
21 number we were just handed, does anyone -- does any
22 state double the size -- so here's my fantasy: We
23 double the size of our Commission, and then we do half
24 the work, as commissioners. Has anybody expanded the
25 size of their Commission?

1 MS. NELSON: Madam Chair, not that we have found.
2 We have not seen that anywhere. Every state that we
3 visit has had components of what's required by us, but
4 there's been nobody who has the inclusive requirements
5 that we will have. So no. I should have just said no.

6 CHAIRPERSON DUDLEY: Okay. Okay.

7 We are going to have to be so sensitive to the fact
8 that most of the people on this Commission have
9 full-time jobs. And given what Commissioner Gordon
10 said -- and I think it's how everybody feels here -- we
11 don't want to make this decision casually. And the
12 hours upon hours of work that might be expected of us,
13 we're going to have to build in a way to deal with that,
14 because there is that officer at home who is not
15 sleeping, because they don't know the result of the
16 findings.

17 Commissioner Nieto.

18 COMMISSIONER NIETO: Yeah. Madam Chair, ditto what
19 you said. And my hat's off to you, because this is a
20 big one. And it's not just walking to the Commission
21 meeting, but chiefs of police up and down the state have
22 been following this for over a year, what we have to do.

23 What I would like to see, though, is when you -- so
24 for 20 years, I've been looking at these types of
25 investigations. I've been in that kind of position.

1 And I have never looked at one investigation where
 2 I didn't have questions at the end of the investigation.
 3 So I suspect that POST is going to have a lot of
 4 questions when we get these. And you talked about
 5 investigators. I just want to make sure that there's
 6 kind of checklist. Or do you have to have these basic
 7 qualifications to be investigators? You know, if they
 8 have gone to internal affairs school? Or, you know, how
 9 it's made up of who is doing the initial investigation,
 10 what subject matter experts. And not just rely that you
 11 have investigative experience. Good investigators are
 12 good investigators, I get that. But there are some
 13 differences depending on what you are taking a look at.
 14 So I want to make sure that we do that right and take
 15 care of our officers, but also to take care of our
 16 communities.

17 MS. NELSON: Yes. Thank you for that.

18 And just as a -- to be a law enforcement consultant
 19 within POST itself, at a very minimum, you have to have
 20 served as a sergeant at any law enforcement agency. And
 21 so we will -- are very aware of the level of talent we
 22 need to staff this, and we will be specifically looking
 23 for that. And we do have a lot of good talent in-house.
 24 I don't mean to say that we don't. We have a lot of
 25 talented people currently working for POST.

1 And, by the way, my Transition Team is fantastic.
2 Thank you, all. I have to give them kudos for that.
3 But we are very aware of that and will be -- we assure
4 you that we're taking those efforts as we go through it.

5 CHAIRPERSON DUDLEY: A comment made by Toby, which
6 I also thought about, is the concept of subcommittees of
7 the Commission. And we may need to -- we're going to
8 have to figure out a way to take reasonable-sized bites,
9 and subcommittees could be that way.

10 And as Toby had suggested, we could be rotating
11 that responsibility. I'm not sure what that looks like
12 yet. But as you begin to formulate what this will be,
13 we would just ask that you take into consideration to
14 the level of scrutiny that we expect and the amount of
15 time that we have available.

16 MR. DARDEN: If I could add real quickly, before we
17 get to you, because it's just been raised twice.

18 There is a provision in the legislation that talks
19 about the staffing within the division, and it
20 specifically says that it shall be staffed with a
21 sufficient number of experienced and able employees that
22 are capable of handling the most complex and varied
23 types of decertification investigations, prosecutions,
24 and administrative proceedings against peace officers.

25 So the legislation did contemplate that we would

1 have to have very skilled, specific qualification
2 investigators in the division.

3 CHAIRPERSON DUDLEY: Thank you, Toby.

4 Other questions or comments?

5 Yes, Commissioner Braziel.

6 COMMISSIONER BRAZIEL: Yeah. And I will try to go
7 quick because we're checking off a lot of these as we
8 go. Thank you. The other ones we can do offline.

9 One, I just want to be cognizant that we are aware
10 and think about and anticipate when we come to a finding
11 that is different necessarily than the agency. Agency
12 sustains a complaint for something. We determine, no,
13 it's not, and then what those issues are. I'm hoping
14 most of the people don't want to challenge it, because
15 it's that egregious.

16 Secondly, some of the obstacles I just want to
17 throw out there. A three-year look back. A lot of
18 agencies -- a lot of employees do resign in lieu of
19 completing investigations. Didn't log when people
20 separated, what the cause was. So we're going to have a
21 problem with that. Just -- I'm realizing that.

22 I have the benefit of working in other states, and
23 just finished something this year where they do have a
24 decertification process. And the affiant, the one
25 responsible for saying they were released, the

1 department head perjured on a couple occasions. So
 2 anticipate being able to -- having to investigate an
 3 agency that isn't forthcoming. Not that it would happen
 4 in California, but, again, when it goes back to, are we
 5 going to have to investigate, I would anticipate that
 6 we're going to have to go -- not just that, but the
 7 issue with a department head, or whoever the affiant is,
 8 not accurately reporting to POST in that regard.

9 I strongly -- I was going to suggest, at the front
 10 end, to help the staff out, that maybe we consider
 11 putting an ad hoc subcommittee together, not for the
 12 review, but for to streamline and speed up a lot of them
 13 to make -- do things without having to come back to the
 14 full Commission.

15 And with Commissioner Gordon saying, you know, what
 16 kind of data -- even doing some mock reviews with the
 17 subcommittee members to anticipate what we might want,
 18 versus having to keep having to come back to every
 19 Commission meeting to get decisions.

20 So I would strongly encourage that we look at that
 21 and give that subcommittee the authority to make
 22 decisions so it speeds up their process so we are not
 23 the delay. IT is going to be a big delay. General
 24 Services is going to be a delay. The last thing I want
 25 to see is us be that delay. And help staff, who has

1 done a great job, help facilitate that again.

2 And, again, mock-ups in different scenarios and
3 actually test them in a mock setting before it comes
4 back to a full Commission to see what the
5 recommendations are.

6 With that, I've got about 50,000 other questions,
7 but I'm going to hold those for later, because my head
8 hurts.

9 CHAIRPERSON DUDLEY: Let me just, first of all,
10 inquire with our counsel. Bagley-Keene, subcommittees,
11 discussion items, talk to us in general about that.

12 MR. DARDEN: Right. So, generally, what
13 Bagley-Keene provides is that you can't have a
14 subcommittee. The subcommittee can either exercise any
15 authority delegated by the Commission or, alternatively,
16 a subcommittee can just act as more of a detailed study
17 group, and then pass a recommendation on to the full
18 Commission.

19 But most Bagley-Keene subcommittees, if there's two
20 or more, I think is what the language says,
21 commissioners that are on it, then it is subject to
22 Bagley-Keene. So the subcommittee itself has to comply
23 with Bagley-Keene in terms of the agenda and notice of
24 the public meeting and public comment and all of that.
25 So it is possible to do.

1 The subcommittee, I think, is a great idea
2 considering everything that has got to be done here.
3 The one problem, though, and we have to keep in mind, is
4 that some of this is going to be -- we're going to have
5 regulations. And the regulations -- I think the
6 subcommittee can perhaps review them and make a
7 recommendation to the full -- sorry. Make a
8 recommendation to the full Commission. But I think the
9 full Commission would have to vote on the actual
10 regulations.

11 CHAIRPERSON DUDLEY: Thank you. Commissioner Long.

12 COMMISSIONER LONG: I apologize for not remembering
13 if this is in the bill.

14 But can you, Toby, or can someone address, is there
15 any specific weight attributed to the deliberation or
16 the decision of the Commission, once it goes to the ALJ?

17 MR. DARDEN: I can answer that, although I don't
18 want to step on you guys. But, I mean, my read of the
19 legislation is that what the Commission is supposed to
20 do, is to evaluate the recommendation made by the board,
21 because the board will have reviewed what the division
22 did, and it will make a determination as to whether or
23 not it believes that action should be taken against the
24 officer's certification.

25 The Commission will then basically side up or down

1 on that. And if the Commission decides that it is
2 appropriate to continue with decertification of the
3 officer's certification, then it goes to the Office of
4 Administrative Hearings, and there will be a filing
5 of -- we haven't called what we are going to create it
6 yet. It's normally called an "accusation" in licensing
7 proceedings, where we will create, effectively, a
8 pleading that sets forth the grounds that we believe is
9 appropriate against this officer. That person will be
10 given the notice, and then it will start the official
11 process of an evidentiary hearing, with all the due
12 process under the Administrative Procedure Act, before
13 the -- before the Office of Administrative Hearings.

14 And, by the way, Maria, I just wanted to
15 congratulate you. I didn't even talk to you about this,
16 but I noticed you went to OAH and got the information
17 from them about how many offices there were, and there
18 will be a process where these hearings will have to be
19 held in a geographic location proximate to where the
20 person lives or works.

21 And so that means there's going to be all kinds of
22 issues throughout the state where we're going to have to
23 go to one of the various -- for the actual hearings,
24 we'll have to go to one of the various OAH offices,
25 initiate it. And then the hearing will probably

1 actually have to be held in some remote county
2 somewhere. We'll have to be finding buildings for the
3 hearing to be held and all of that stuff. So a lot of
4 work.

5 COMMISSIONER LONG: I would also just make one
6 comment, if I may, about the sub -- I love subcommittees
7 and all. But I wonder, hearing some of my colleagues
8 here, how willing people are going to be to give that up
9 to a subcommittee. And then if the expectation is that
10 we would essentially go along with it.

11 I'm hearing a lot of dedication to going through
12 these things from the individuals, which leads me to
13 believe, as much as I'm a subcommittee guy, it may not
14 be the way out.

15 COMMISSIONER BARCELONA: I don't see how you do the
16 subcommittee. I mean, some work can get done, but the
17 problem with -- for me is that I don't want to -- I
18 don't want to hear a recommendation from a subcommittee
19 and then just vote on it. It's someone's livelihood and
20 their career, and I need to know everything that I
21 possibly can before I make that decision, and I think
22 everybody here feels the same way. There's no way I'm
23 going to end a person's career on someone's
24 recommendation. I want to see it and I want to read
25 everything I can. I want to know everything I can so

1 that I'm making the best decision possible, because it's
2 going to end that person's career and livelihood.

3 CHAIRPERSON DUDLEY: I understand.

4 And, Commissioner Braziel, I just want to go back
5 to a point you made earlier, which was the look backs,
6 that, yes, if a person retired or quit or moved away
7 from law enforcement, but there was an allegation in
8 2020, yes, that would come to us. But it also leaves
9 the avenue for us having to recontact them to see if
10 they want to pursue this.

11 And I'm hoping somewhere in there, some people just
12 disappear. You know, what the efforts are going to be.
13 So if we have somebody who just decides, yeah, I'm not
14 going to respond, you know, we're going to have to have
15 some kind of default system based in if we don't hear
16 from them in 30 days, that they don't want to have it
17 revisited, things like that.

18 Yes, Commissioner Braziel. You had more to say.

19 COMMISSIONER BRAZIEL: No. Just one other
20 procedural thing I forgot to mention is, because there's
21 a separate statutorily formed sub -- advisory committee
22 to the POST Commission, I think we should consider these
23 issues do not go our advisory committee prior to the
24 meeting. I mean, they have got to review them too, and
25 I think, one, that's unfair and it would be duplicative

1 with -- since we already have one. So I think -- I
2 don't know if we need to formally do that or whether we
3 just say those items are not going to our POST Advisory
4 Committee.

5 CHAIRPERSON DUDLEY: Do you want to respond that,
6 Maria?

7 MS. SANDOVAL: We agree with that.

8 What we're trying to do is avoid the Commission
9 becoming the SAD Commission. So we'll do our best to
10 project you from that.

11 COMMISSIONER BRAZIEL: Too late, Maria.

12 EXECUTIVE DIRECTOR ALVAREZ: If I may also, Madam
13 Chair.

14 CHAIRPERSON DUDLEY: Please.

15 EXECUTIVE DIRECTOR ALVAREZ: I believe there's
16 language in SB 2 to address what you brought up,
17 Commissioner Gordon and Commissioner Barcelona. I
18 believe there's language in there that you shall be
19 provided all of the information that is being put
20 forward for the revocation. So everything that we have
21 will be made available to you. It will not be a
22 summary. We have also talked about where we house that
23 and how we make that available to you. But some of it
24 may be video, body cam footage, whatever it may be. But
25 I believe there is language that says we shall provide

1 you all of it.

2 Also, there is some additional language that is
3 thrown into the bill at the very, very end, about if it
4 does not lead to revocation, but may lead to some lesser
5 remedy, that there is the ability to provide for a
6 suspension. That was thrown in at the very end. Really
7 threw us for a loop. But we're also trying to address
8 that. What does that mean and what is that bar?

9 States struggle. There are some states that do
10 suspensions for a week, two weeks, six months. It is
11 very, very challenging for those states to do that. And
12 that is part of this bill.

13 Not something that should -- my understanding of
14 the bill is, you cannot ask for some form of a
15 suspension because it doesn't lead -- it's not
16 sufficient for revocation. It's only after you make a
17 determination that the revocation is not there, that it
18 gives you the ability for a suspension, if that makes
19 any sense.

20 I think some states say, hey, this peace officer
21 shouldn't lose their license, but they should be
22 suspended. Let's push it through. This is the opposite
23 of that, but it does have suspension language in there
24 that we are trying to tackle as well.

25 COMMISSIONER GORDON: Just a quick follow-up. So I

1 like to do a little research. Do you know which states
2 have the suspension so that maybe we can go just take a
3 look so we can have a more educated discussion about
4 that?

5 MS. SANDOVAL: I know, for a fact, Arizona does.
6 They suspend people for up to two years. It's
7 interesting. And they don't do that -- if they were
8 suspended by an agency, that doesn't count. So they can
9 suspend them in addition to that time period. So I know
10 that Arizona does that routinely.

11 COMMISSIONER GORDON: Thank you.

12 EXECUTIVE DIRECTOR ALVAREZ: And, Maria, may I ask
13 a question, which I think I know the answer to. But you
14 were at the last -- you and Jackie and a few others were
15 at the last Arizona meeting. Their process is such that
16 it goes to an ALJ before it goes to their Commission,
17 and the ALJ does all their work. This is on the back
18 end for us.

19 MS. SANDOVAL: Right. So even if you decided that
20 this individual should be -- have their certificate
21 revoked, an ALJ may say it's not enough for them and
22 then return it to them as well.

23 CHAIRPERSON DUDLEY: Yes. Commissioner Long.

24 COMMISSIONER LONG: Manny, this question may be
25 getting ahead of ourselves.

1 But when and to what extent are you going to be
2 free to discuss with us the potential costs of this and
3 what you're dealing with in terms of BCPs. BCPs are
4 sensitive and don't usually share budget change
5 proposals prior to the governor receiving them, because
6 they may reject them.

7 But at what point are you able to kind of share
8 us -- share with us how you are sketching out the
9 various costs or the components of this thing?

10 It's one way for us to evaluate -- it's hard for us
11 to evaluate what can be done when we don't have, really,
12 any knowledge of what it would cost us and what we might
13 be left dealing with come January 10.

14 EXECUTIVE DIRECTOR ALVAREZ: That is a very
15 challenging question. I'm going to defer it to Maria
16 and Jackie.

17 (Laughter)

18 EXECUTIVE DIRECTOR ALVAREZ: I anticipate --

19 COMMISSIONER LONG: I realize, we're not supposed
20 to discuss BCPs and so forth. So is there a way for us
21 to get our heads around this, to any extent?

22 EXECUTIVE DIRECTOR ALVAREZ: So, I guess, in all
23 seriousness. I'm not going to defer this tough question
24 to Jackie and Maria.

25 We anticipated this question. We are working with

1 the administration on different proposals. I mean, we
2 are having weekly contact with Department of Finance on
3 how we're going to do this.

4 We all agree. We all know. I think the Department
5 of Finance and the administration knows it's going to
6 take resources. It's going to take some money and
7 people to do. I believe the Legislature knows that as
8 well. I don't know, because they have been out of
9 session.

10 But we hope to know more by January, when the
11 budget is released. January 10th, I believe, is the --
12 is the date. That's when we hope to have some
13 definitive information that is public. We don't have
14 definitive information now, in-house. We're bouncing
15 back and forth in terms of what we think we're going to
16 need. But it's significant, as you can imagine.

17 COMMISSIONER LONG: Good non-answer.

18 EXECUTIVE DIRECTOR ALVAREZ: That's a good
19 non-answer.

20 COMMISSIONER LONG: Good non-answer. Yeah. Yeah.

21 EXECUTIVE DIRECTOR ALVAREZ: I apologize.

22 COMMISSIONER LONG: Bigger than a bread box, is, I
23 guess, kind of the question as we head into this.
24 Understood.

25 CHAIRPERSON DUDLEY: Any other questions or

1 comments?

2 Yes, Commissioner.

3 COMMISSIONER BRAUN: I understand, from the
4 presentation, that POST shall receive forward and
5 investigate public complaints. And I fear that this is
6 going to be duplication of effort that's already been
7 put forward to the agencies.

8 What -- is there a process, or are you still
9 figuring that out for that? Because I feel like this
10 will be second avenue for someone to make a complaint if
11 they don't feel they were heard at the department level.

12 MS. NELSON: Yes. So we do have to, pursuant to
13 the bill, accept all complaints of misconduct. It is
14 our intention to defer or refer those complaints back to
15 the agencies so that we are not doing, just as you
16 suggested, duplicating effort. And, also, we need
17 agencies to be aware of what allegations are coming in
18 as well.

19 So it's a very unusual -- or hard to even imagine
20 what kind of situation would not allow us to send that
21 back to the agency. That is our intent.

22 COMMISSIONER BRAUN: Thank you.

23 EXECUTIVE DIRECTOR ALVAREZ: If I may, Commissioner
24 Braun. Our intent with that is also to create some
25 procedure, probably in regulation, as to what do we do

1 when we receive it, and how does it get to that agency.
2 I mean, I think our intent is to do what Jackie just
3 mentioned, but to codify that somewhere so that we know
4 that it's being forwarded, unless there are certain
5 circumstances that are met.

6 CHAIRPERSON DUDLEY: Commissioner Bui.

7 COMMISSIONER BUI: Yeah. That was going to be my
8 question regarding accountability of us receiving that
9 information and passing it on, and then sharing. I
10 don't know where in the process where we're supposed to
11 ensure that this is actually going to get looked at,
12 whether or not that's even our responsibility.

13 But there are a lot of layers to this. I see us
14 going through a lot of growing pains as we develop the
15 process, as well as during the implementation of this.

16 So please let us know what we, as Commission, can
17 do for you. I get there's going to be a lot of twists
18 and turns, and we completely understand.

19 MS. SANDOVAL: Thank you.

20 We -- one thing that we do -- are cognizant of is
21 that we need to have a tracking program also. So when
22 we send things out to agencies, that we track to ensure
23 that has been done. So that is in the process too. And
24 it is -- it is definitely a work in progress.

25 But I appreciate your offer and I will call you

1 soon. Make you sad.

2 CHAIRPERSON DUDLEY: "Make you sad" has a whole new
3 meaning now.

4 Anybody have any other comments on this?

5 Yes.

6 EXECUTIVE DIRECTOR ALVAREZ: If I may, in closing,
7 I know you all have acknowledged Jackie's work, and I
8 think we all say that Jackie and the team -- there's
9 five individuals with Jackie. They are almost all
10 full-time. We have dedicated them, put them in an
11 isolated part of the office, to work on this. We keep
12 asking Jackie if she needs more people. So thank you,
13 Jackie. And then thank you to the other staff members.
14 There are other staff members that are helping on a
15 part-time basis. But what that's caused is, there are
16 now staffing shortages in other bureaus.

17 And we have repeated questions from staff, how are
18 we going to do all this? How are we going to do all
19 this?

20 And we keep saying, this is the number one thing.
21 All the other stuff can wait, to a certain extent,
22 because this takes precedence. We're under the gun.
23 It's a major project.

24 So just want you to know, I mean, we are -- we have
25 a lot ahead of us. It's good stress for us, to put this

1 together. And obviously even Colin is -- has got some
2 good stress going on, with how he's going to make the
3 technology go.

4 But this is the number one priority for us. It's
5 hard for us to get to everything that we possibly can.
6 Some things are going to -- are going to have to go on
7 the back burner.

8 Jackie came from Training Delivery and Compliance,
9 which was fully staffed, I believe, about three to four
10 months ago. We are -- there's ten regional consultants.
11 And because Jackie has been pulled, another regional
12 consultant is now the acting bureau chief. We're down
13 three. Of the seven, we're down three. We have given
14 up bodies from five different bureaus, including from
15 EXO.

16 So it's just -- it's a -- it's a significant
17 challenge for us, but one that is a good challenge and
18 we think is -- we're all happy to be doing it.

19 But thank you, Jackie, and thank you to all the
20 staff who are doing it. And Maria for leading the
21 charge with all of this and putting it all together.

22 CHAIRPERSON DUDLEY: Thank you.

23 Let me just ask the reporter. Would you like a
24 break now or in a few minutes?

25 THE COURT REPORTER: Are we planning to go past

1 5:00?

2 CHAIRPERSON DUDLEY: I think we're going to go past
3 5:00.

4 THE COURT REPORTER: Now's a good time for a break.

5 CHAIRPERSON DUDLEY: Now's a good time. Okay.

6 (Break taken in proceedings.)

7 CHAIRPERSON DUDLEY: We're missing a couple of
8 commissioners, but we will start up.

9 At this time, I will call upon Legislative
10 Liaison/Public Information Officer Meagan Poulos to
11 provide us with a report reflecting the new laws and
12 legislation impacting POST.

13 Welcome, Meagan.

14 MS. POULOS: Thank you. Good afternoon, Madam
15 Chair and Commissioners.

16 When I saw you last, we were at the -- close to the
17 end of the legislative session. And I don't need to
18 tell you that it, obviously, is over.

19 The governor signed or revoted any bill on or
20 before the October 10th deadline. There were many bills
21 signed that will affect POST -- not just SB 2 -- and/or
22 law enforcement in general. So my complete list of
23 bills that POST followed throughout this last session is
24 in your agenda.

25 And what I'm going to talk about today is not

1 inclusive of all the bills, but I am going to highlight
2 some of the major ones that will be affecting POST.

3 I only have eight slides on SB 2. I hope that's
4 okay.

5 CHAIRPERSON DUDLEY: Don't make us sad.

6 MS. POULOS: I'm not going to -- I'm not going to
7 continue the discussion on this. I think we have spoken
8 at length about it.

9 I did want to add, though, you know, this topic
10 began last -- in the session before last. And this new
11 legislation was introduced in January, and it sat until
12 June. They didn't make a single change to the bill
13 until six months in, and then it was a mad scramble for
14 three months. It was a lot of late nights and a lot of
15 in-depth discussions to get where we are at today.

16 So AB 89. So this bill will require all peace
17 officers under the POST program in California to be the
18 age of 21 at the time of appointment. This bill -- and
19 that's effective January 1 of 2022. It doesn't apply to
20 those who are, obviously, currently employed, and it
21 grandfathers in anyone that is under the age of 21, in
22 an academy, as of December 30th of '21.

23 This bill also requires the vice chancellor of the
24 Community Colleges Office to collaborate with POST and
25 other stakeholders to develop a report on

1 recommendations for education requirements in a degree
2 program. And that report will be due to the Legislature
3 in July of 2023.

4 CHAIRPERSON DUDLEY: Meagan, is that in response to
5 the question of whether law enforcement officers should
6 have a bachelor's degree?

7 MS. POULOS: Yes.

8 CHAIRPERSON DUDLEY: Okay.

9 MS. POULOS: There were a couple of bills, in
10 particular, on crowd management:

11 AB 48 prohibits the use of kinetic energy
12 projectiles and chemical agents during any assembly,
13 protest, or demonstration, unless the deploying officer
14 has received proper POST training.

15 The bill also states that only a commanding officer
16 at the scene may authorize the use of tear gas.

17 And the bill also contains some specific reporting
18 requirements for the use of these tools.

19 SB 98. This bill allows duly authorized
20 representatives of any news service access to any law
21 enforcement command post or closed area at a
22 demonstration, march, protest, or rally.

23 COMMISSIONER NIETO: Madam Chair, I have a question
24 on 48.

25 Did they define what a "commanding officer" is,

1 because it's different depending on what agency you are
2 with.

3 MS. POULOS: It did not.

4 COMMISSIONER NIETO: Thank you.

5 MS. POULOS: There were a couple of bills on use of
6 force:

7 AB 26. This bill adds several definitions to
8 Government Code 7286, such as "excessive force,"
9 "intercede," and "retaliation." It requires all local
10 agencies to add, to their use of force policies, a
11 requirement that an officer intercede when present in
12 observing another officer using force that is clearly
13 beyond necessary, as well as a prohibition on
14 retaliation against an officer who reports such
15 violation.

16 AB 490. This bill states that a law enforcement
17 agency shall not authorize techniques or transport
18 methods that involve a substantial risk of positional
19 asphyxia. This bill further defines what "positional
20 asphyxia" is. And agencies will have to update their
21 policies regarding this procedure.

22 Some other training-related legislation:

23 AB 57. So this bill requires specific hate crimes
24 training to be added to the Basic Course. It would
25 require POST to create an interactive course for

1 in-service officers on hate crimes. And, finally, this
2 bill requires every officer to complete POST-certified
3 hate crime training within one year of POST, making the
4 course available online, and every six years thereafter.

5 I will add that all of these requirements are
6 contingent on POST receiving funding, so they are not
7 mandates yet.

8 AB 1356. This bill is on reproductive health care
9 services, and it contains a small portion in regard to
10 the training POST currently has on anti-reproductive
11 rights crimes. It would require POST -- also subject to
12 funding -- develop an interactive training course on
13 this topic and update our training every seven years or
14 on a more frequent basis, if deemed necessary.

15 The bill also outlines specific stakeholders you
16 would have to work with to develop that training.

17 CHAIRPERSON DUDLEY: I'm a little confused about
18 what it is. The reproductive health care services.

19 MS. POULOS: So POST currently has training, that
20 we were already mandated to create, on anti-reproductive
21 rights crimes. So this -- this basically would mandate
22 us to update that training, make it an interactive
23 online course, and then update it more regularly.

24 CHAIRPERSON DUDLEY: Thank you.

25 MS. POULOS: The last bill here is SB 494. So this

1 bill would have required POST to create a course on
2 ethical human engagement and advanced interpersonal
3 communication skills, as well as incorporate both of
4 these courses into the ICI core course. We briefly
5 talked about it earlier today.

6 This bill was actually vetoed. It was vetoed, but
7 the governor's message directed POST to develop the
8 training, as outlined in the legislation, out of good
9 faith, without the mandate that officers complete it.

10 And as I said earlier, AB 57 and 1356 are
11 contingent on POST receiving funding.

12 CHAIRPERSON DUDLEY: Thank you.

13 MS. POULOS: So the next legislative session begins
14 January 3rd. It's the second year of a two-year
15 session, so any bill that didn't pass through its
16 appropriate chain could resurface. Again, this coming
17 year.

18 And so there was definitely some legislation that
19 was held that I do see we -- it will resurface again.
20 But I'm also anticipating we're going to see topics such
21 as duty to intercede, hiring best practices, drug
22 decriminalization, mental health training, de-escalation
23 training, drivers' rights, and I'm sure much more. So
24 that's my reading of the tea leaves.

25 CHAIRPERSON DUDLEY: Did you say "drivers' rights"?

1 MS. POULOS: Yes.

2 CHAIRPERSON DUDLEY: What does that mean?

3 MS. POULOS: When you are pulled over and you are
4 asked to show your driver's license and registration,
5 there's discussion on perhaps changing that process.

6 CHAIRPERSON DUDLEY: Okay. Thank you.

7 MS. POULOS: So, like I said, session begins
8 January 3rd. They have until -- the Legislature has
9 until almost the end of February to introduce any new
10 language.

11 So I will have a lot to report on in March.

12 COMMISSIONER O'ROURKE: Are those sponsors -- the
13 drivers' rights -- or are there any authors that are
14 considering this?

15 MS. POULOS: I've been asked some questions.

16 And that concludes my presentation. I'm happy to
17 answer any questions, always.

18 CHAIRPERSON DUDLEY: Any questions?

19 (No response)

20 CHAIRPERSON DUDLEY: The drivers' rights won't
21 affect CHP.

22 COMMISSIONER O'ROURKE: No. Not at all.

23 (Laughter)

24 CHAIRPERSON DUDLEY: Okay. Executive Director
25 Alvarez.

1 EXECUTIVE DIRECTOR ALVAREZ: I just want to also
2 publicly thank you, Meagan. Meagan was the one -- you
3 could see all of this provided technical assistance on
4 all of these bills. It was quite a busy legislative
5 session. And Meagan was definitely the subject matter
6 expert on SB 2, providing technical assistance. It
7 seemed like a weekly, weekend, nightly basis. So thank
8 you, Meagan.

9 I know we handed some of the discussion off to
10 Jackie and Maria and Colin.

11 But thank you for being so involved in all of that
12 and providing the knowledge and assistance that they
13 needed to write that bill. Thank you.

14 MS. POULOS: It's my pleasure.

15 EXECUTIVE DIRECTOR ALVAREZ: Thank you.

16 CHAIRPERSON DUDLEY: Anybody? Anything else?

17 (No response)

18 CHAIRPERSON DUDLEY: I agree. Thank you, Meagan.

19 My constant texts to you, nights and weekends; you
20 were always so responsive.

21 MS. POULOS: Absolutely.

22 CHAIRPERSON DUDLEY: I appreciate it.

23 Okay. So some good news about an April meeting.
24 Manny?

25 EXECUTIVE DIRECTOR ALVAREZ: Correct.

1 With everything you heard today from Senate Bill 2,
2 we have a -- we believe we should have a special
3 Commission meeting to address proposed regulations
4 pertaining to what we talked to about SB 2. We don't
5 want to do that at a regular Commission meeting. We
6 think it should be a specific meeting.

7 So we proposed some dates -- or proposed a date to
8 do that. And we proposed the date of -- I'm missing it
9 here -- April 27th and 28th here in West Sacramento.
10 The reason for those dates are, one, whatever
11 regulations you approve have to go through the
12 regulatory process, through the Office of Administrative
13 Law. And we know that the law takes effect January of
14 2023, so we want to have sufficient time to push the
15 majority -- probably not all -- of the regulations,
16 through early. It's not early, and it will get us right
17 to where we need to be.

18 It's a challenge for us, because, obviously, we
19 have to publish them before April 27th. So they are on
20 the clock to put these things through.

21 I mean, one of the big ones we want to get to you
22 are some recommendations on what "serious misconduct"
23 might look like. We would like to propose that in
24 April.

25 So that's on there as a -- for your consideration.

1 CHAIRPERSON DUDLEY: So the good news is we'll get
2 to see each other March, April, and May.

3 COMMISSIONER O'ROURKE: Got any other dates?

4 (Laughter)

5 COMMISSIONER BRAUN: That sets us up for the future
6 when we will be meeting every month.

7 COMMISSIONER O'ROURKE: That's just a proposed
8 date?

9 CHAIRPERSON DUDLEY: That's a proposed date. And
10 we might as well discuss it now.

11 Anybody think that's a terrible date?

12 COMMISSIONER O'ROURKE: Yeah.

13 COMMISSIONER BRAUN: If I may, for the sheriffs
14 that are on the Commission, that is the same time as the
15 Cal Sheriffs annual conference, which is down in Tulare
16 and Kings County.

17 CHAIRPERSON DUDLEY: Well -- Executive Director
18 Alvarez.

19 EXECUTIVE DIRECTOR ALVAREZ: If I may ask,
20 Commissioner O'Rourke. So we have the CSSA conflict.
21 There's another conflict?

22 COMMISSIONER O'ROURKE: Yeah.

23 EXECUTIVE DIRECTOR ALVAREZ: Okay. Okay. Is
24 there -- if we come up with another date, that is okay
25 with CSSA, CHP, all of you, that we can come up with.

1 If we can schedule -- we have to get hotels. That's the
2 big challenge for us.

3 Can we put something together and just go with it,
4 and we can reach out individually and make sure that
5 it's okay with you all? We just need to schedule it
6 sooner rather than later. I don't think we can wait
7 until March. Is that okay?

8 CHAIRPERSON DUDLEY: Certainly, that's okay. But
9 now we have to go back to the Bagley-Keene question.
10 Putting our --

11 EXECUTIVE DIRECTOR ALVAREZ: Sorry. I apologize.

12 MR. DARDEN: No. It's okay, as long as it's a
13 one-way communication.

14 EXECUTIVE DIRECTOR ALVAREZ: If I do it one-on-one
15 to make sure the commissioner is available.

16 MR. DARDEN: Yes. I think that's fine.

17 CHAIRPERSON DUDLEY: Okay. So everyone is clear on
18 that so we don't violate Bagley-Keene, Manny will be
19 reaching out to each of us, one on one. There will not
20 be a group communication on this one.

21 Okay. Thank you.

22 Moving on, Acting Chair Waltz, did the Advisory
23 Committee have any comments on any of the items provided
24 in the consent calendar?

25 ADVISORY COMMITTEE ACTING CHAIRPERSON WALTZ: Good

1 afternoon, Madam Chair.

2 The only item that we had discussion on was the one
3 regarding SB 2, and we did have substantial discussion
4 and a lot of questions; almost as many as the Commission
5 had. But they were -- staff was able to answer them,
6 and there were no further comments or objections to any.

7 CHAIRPERSON DUDLEY: That's it? Okay.

8 As this was the last item on the consent agenda, is
9 there a motion to approve the consent items?

10 COMMISSIONER LONG: So moved. Long.

11 CHAIRPERSON DUDLEY: Second?

12 COMMISSIONER O'ROURKE: O'Rourke.

13 CHAIRPERSON DUDLEY: All those in favor?

14 (Ayes)

15 CHAIRPERSON DUDLEY: Questions? Comments? Anybody
16 not in favor?

17 (No response)

18 CHAIRPERSON DUDLEY: Okay. Motion passes.

19 Finance Report. Commissioner Long will now provide
20 the Finance Committee report.

21 COMMISSIONER LONG: Thank you.

22 We received extensive updates on the '20-'21 and
23 '21-'22 budgets. In the interest of time, unless anyone
24 is dying to go through more charts, they are in your
25 packets. I would suggest that we found nothing amiss.

1 All budgets are on schedule. There appears to be --
2 expenditures are going on as anticipated.

3 The second thing would be contracts. And for this,
4 if you could put up -- there's two slides. There's one
5 for the '20-'21 contracts. Next. Keep going for a
6 while. Keep going.

7 CHAIRPERSON DUDLEY: Before we go to contracts,
8 Commissioner Long, I just need to get a motion to
9 approve your report. So your report is complete, in
10 terms of what you said to us so far, beyond going to
11 contracts?

12 COMMISSIONER LONG: Except for the one item that we
13 will have to take a full Commission vote on, yes.

14 CHAIRPERSON DUDLEY: Okay. Go ahead.

15 COMMISSIONER LONG: Keep going there, guys. There.
16 There we go. There's the first slide.

17 We reviewed contracts for '20-'21. Here's your
18 '20-'21 contracts. Again, nothing amiss. We did
19 discuss how several contracts on this chart appear to be
20 behind schedule and have received extensions. You can
21 see the extensions on the far right column. ICI, in
22 particular, is broken down to the specific extensions,
23 portions of ICI down on the bottom.

24 We talked a lot about whether or not that would --
25 how that would coincide with the following year, because

1 these funds will, if they are not used by this invoice
2 by this time, will revert back to the General Fund.

3 But they do not appear to be, again, anything amiss
4 whatsoever. It's important to note that COVID delays
5 have led to lagging invoices. They can invoice these
6 things as late as fiscal year, even though the work has
7 to be finished by the various date extensions, but
8 there, again, appears to be nothing -- nothing amiss
9 here.

10 The next slide is for the '21-'22 contracts. And,
11 by the way, we're not voting on any new contracts today.
12 That will be in March. There is one contract amendment
13 we'll discuss in just a second.

14 And, also, as Manny alluded to earlier, the Quality
15 Assessment Program, QAP, is being retooled and will be
16 back before us in March or May or April or one of
17 those -- one of those hearing dates.

18 And then, finally, on the -- if you look on this
19 chart, the Executive Development Course -- oh, back up
20 one. Executive Development Course. This is the one
21 thing before us for a vote.

22 The Finance Committee voted unanimously to support
23 it. It's a \$55,000 increase in the Executive
24 Development Course. You can see there, the 359 is the
25 fourth one down, due to increased costs.

1 And if anyone would like to ask any questions as to
2 that \$55,000. And just by way of history, Manny, the
3 executive director has the authority to unilaterally
4 increase any of these contracts approved by the
5 Commission up to \$25,000. This is \$55,000, about a
6 15 percent bump. There were no concerns from the
7 Finance Committee.

8 I will note, however, that we have discussed
9 increasing that amount in the past. And Commissioner
10 Braziel brought it up again today, suggesting maybe we
11 go as high as -- he tossed out \$100,000. We went back
12 and forth a little bit about, should it be a hard cap
13 like that? Should it be a percentage cap? Exactly what
14 type of latitude do we want to allow the executive
15 director?

16 And we agreed that we would bring it back and have
17 a more robust discussion in March. This seemed to be
18 certainly, on the part of the Finance Committee, a
19 willingness, if not an eagerness, to allow the executive
20 director a little bit more latitude in terms of what are
21 relatively minor increases in contracts approved by the
22 Commission.

23 We have a -- kind of a failsafe. We can always
24 pull a contract back if, all of a sudden, we saw a
25 hundred thousand dollars that we really felt strongly

1 about. So anyway, that's approaching in March.

2 And the last thing here, then, is the \$55,000 bump
3 to the Executive Development Course.

4 And, Madam Chair, that's, I guess, to you to get us
5 a vote.

6 CHAIRPERSON DUDLEY: So we're just going to vote
7 now on -- we're just going to vote now on a motion to
8 approve the report.

9 So can I get a motion on that?

10 COMMISSIONER NIETO: I move.

11 CHAIRPERSON DUDLEY: And a second?

12 COMMISSIONER BRAUN: Braun.

13 CHAIRPERSON DUDLEY: Questions? Comments?

14 THE COURT REPORTER: Who made the motion?

15 COMMISSIONER NIETO: Nieto.

16 CHAIRPERSON DUDLEY: Questions or comments?

17 (No response)

18 CHAIRPERSON DUDLEY: All in favor?

19 (Ayes)

20 CHAIRPERSON DUDLEY: Opposed?

21 (No response)

22 CHAIRPERSON DUDLEY: Okay. That motion passes.

23 Now we will move on to the recurring contracts. We
24 will be reviewing and voting on one contact amendment
25 from the Training Service Bureau.

1 So just take a moment to review the contracts under
2 consideration. And let me remind you, if the contract
3 up for approval is considered a conflict of interest
4 from you, please abstain from the contract. Take a
5 moment to take a look at those.

6 Are there any questions before we begin?

7 (No response)

8 CHAIRPERSON DUDLEY: Okay. Is there a motion to
9 approve the amendment to the Executive Development
10 Course contract for fiscal year '21-'22?

11 COMMISSIONER RAMIREZ: Motion. Ramirez.

12 CHAIRPERSON DUDLEY: Second?

13 COMMISSIONER DONELAN: Donelan.

14 CHAIRPERSON DUDLEY: Questions? Comments?

15 (No response)

16 CHAIRPERSON DUDLEY: Okay. Because this requires a
17 fiscal decision, Ms. Nunez, would you please do a roll
18 call vote.

19 MS. NUNEZ: Barcelona.

20 COMMISSIONER BARCELONA: Yes.

21 MS. NUNEZ: Braun.

22 COMMISSIONER BRAUN: Yes.

23 MS. NUNEZ: Braziel.

24 COMMISSIONER BRAZIEL: Yes.

25 MS. NUNEZ: Bui.

1 COMMISSIONER BUI: Yes.
2 MS. NUNEZ: Donelan.
3 COMMISSIONER DONELAN: Yes.
4 MS. NUNEZ: Doyle.
5 (No response)
6 MS. NUNEZ: Dudley.
7 CHAIRPERSON DUDLEY: Yes.
8 MS. NUNEZ: Ewell.
9 COMMISSIONER EWELL: Yes.
10 MS. NUNEZ: Long.
11 COMMISSIONER LONG: Yes.
12 MS. NUNEZ: Marsh.
13 (No response)
14 MS. NUNEZ: O'Rourke.
15 COMMISSIONER O'ROURKE: Yes.
16 MS. NUNEZ: Ramirez.
17 COMMISSIONER RAMIREZ: Yes.
18 MS. NUNEZ: Gordon.
19 COMMISSIONER GORDON: Yes.
20 MS. NUNEZ: Nieto.
21 COMMISSIONER NIETO: Yes.
22 MS. NUNEZ: Thank you.
23 CHAIRPERSON DUDLEY: Okay. And that motion passes.
24 Okay. Basic Training Bureau. Item D is a report
25 on proposed changes -- you are looking at me. Is

1 everything is okay? Okay.

2 Proposed changes to Commission Regulation 1081,
3 Minimum Standards for Legislatively Mandated Courses.

4 At this time I will call upon Staff Services
5 Manager Cheryl Smith, Basic Training Bureau, to provide
6 us a report on this item.

7 MS. SMITH: Good afternoon.

8 CHAIRPERSON DUDLEY: Do you want to remove your
9 mask when you are speaking?

10 MS. SMITH: The proposed changes to Commission
11 Regulation 1081 for the Campus Law Enforcement Course
12 include updating the course topics. POST staff met with
13 presenters of the Campus Law Enforcement Course, who
14 recommended the revision. These revisions include
15 updates to terminology to include more contemporary and
16 inclusive language.

17 And that is it for my report.

18 CHAIRPERSON DUDLEY: Okay. Questions? Comments?

19 (No response)

20 CHAIRPERSON DUDLEY: Did the Advisory Committee
21 have any comments on this item?

22 ADVISORY COMMITTEE ACTING CHAIRPERSON WALTZ: No.
23 The Advisory Committee did not request a report on this,
24 and had no objection to it.

25 CHAIRPERSON DUDLEY: Is there a motion to approve

1 the changes as described in the staff report?

2 COMMISSIONER DONELAN: Motion. Donelan.

3 CHAIRPERSON DUDLEY: Second?

4 COMMISSIONER RAMIREZ: Second. Ramirez.

5 CHAIRPERSON DUDLEY: Questions? Comments?

6 (No response)

7 CHAIRPERSON DUDLEY: All in favor?

8 (Ayes)

9 CHAIRPERSON DUDLEY: Thank you.

10 Item E is a report on the proposed changes to
11 Commission Regulation 1052, 1055, 1059, and 1070, Course
12 Certification and Presentation Requirements.

13 At this time, I will call upon Manager Jennifer
14 Hardesty, Basic Training Bureau, to provide us a report
15 on this item.

16 MS. HARDESTY: Good afternoon, Madam Chair and
17 Commissioners.

18 So I'm presenting on an item today that will
19 address some clarification that's needed to a few
20 regulation sections, in addition to adding some missing
21 language; and then it's going to correct some
22 inconsistencies between regulatory sections as well.

23 So the first section that I will start with is
24 Commission Regulation 1052.

25 Current regulation language requires that once an

1 approved course is -- goes -- needs to be modified, then
2 the certification documents are to be submitted to POST
3 a minimum of 30 days in advance of presentation for
4 review by POST staff.

5 This time frame conflicts with Commission
6 Regulation 1055, which covers requirements for course
7 presentation, as that section requires presenters submit
8 the presentation request 30 days prior to the course
9 being presented as well.

10 So what we are requesting is that we change that
11 time frame, under Commission Regulation 1052, for
12 review -- or for modification purposes to 45 days. So
13 that will allow POST staff 15 days to review the course
14 updates, whatever the presenter's needing to modify,
15 approve that course, and then they can request their
16 presentation and meet that 30-day requirement in advance
17 of presentation.

18 So the second section is Commission Regulation
19 1055, which we presented changes to the Basic Course
20 certification process at the June 18th, 2020, Commission
21 meeting.

22 I neglected to include the course attestation form
23 under that regulation section. We did add it to
24 Commission Regulation 1059, which is the Basic Course
25 certification requirements. However, we require

1 presenters submit that form during their presentation
2 requests process. So we just want to make sure that we
3 are including it in both sections.

4 The third section is Commission Regulation 1059,
5 Basic Course Certification Requirements. So when we
6 change the process to certify a course, we have -- we
7 created what we call a breakdown of staff positions,
8 that requires the presenter to detail for us,
9 instructors by topic, recruit training officers,
10 scenario managers, etc.

11 When we proposed that document, I neglected to
12 include what we call testing system users. So those are
13 the users that access the testing system for the
14 comprehensive tests required in the Basic Courses. We
15 also want to ensure that those individuals are included
16 on that breakdown. And that is simply to ensure that
17 they have received the necessary training to have access
18 to that system.

19 And then, in that same section, that includes the
20 modification language that was also referenced in
21 Commission Regulation 1052. So in that section, as
22 well, we would like to change that to a 45-day time
23 frame for modification.

24 And then the last section is Commission Regulation
25 1070, which is the minimum training standards for

1 instructors of POST-certified specialized training.

2 At the February 8, 2018, Commission meeting, we
3 proposed a change to Commission Regulation 1009, which
4 is the Academy Instructor Certification Program section.
5 It removed the preservice requirement of the Academy
6 Instructor Certification Course and implemented a
7 12-month window for instructors to complete AICC.

8 It was recently identified that the preservice
9 requirement for AICC was still reflected under
10 Commission Regulation 1070, and conflicts with the
11 updated requirements under 1009.

12 So the proposed change is simply to correct that
13 conflict between the two sections. It in no way changes
14 the requirement for instructors to complete specified
15 training to teach that subject.

16 So that's it for my presentation. I'm happy to
17 answer any questions.

18 CHAIRPERSON DUDLEY: Any questions?

19 COMMISSIONER GORDON: I do have one quick question.

20 CHAIRPERSON DUDLEY: Please.

21 COMMISSIONER GORDON: So on the 45 days, so as
22 simple as changing locations on any type of course will
23 then require 45 days? So if a building is not
24 available, and they want to use a different building,
25 that will have to -- that will have be submitted 45 days

1 in advance?

2 MS. HARDESTY: No. So there is a process in EDI
3 for you to change -- or request a change to a location
4 only.

5 COMMISSIONER GORDON: Okay. That was just my
6 question. I didn't know if that was included. Thank
7 you. That was my only clarification.

8 CHAIRPERSON DUDLEY: Anybody else? Any other
9 questions or comments?

10 (No response)

11 CHAIRPERSON DUDLEY: Okay. Thank you very much.

12 Let's see. We need a vote.

13 Let's see. First let me ask, did the Advisory
14 Committee have any comments on this item?

15 ADVISORY COMMITTEE ACTING CHAIRPERSON WALTZ: The
16 Advisory Committee did not request a presentation on
17 this item. No objection.

18 And I do appreciate staff for reviewing the minutia
19 in these sections and bringing them up to date and
20 cleaning up the language.

21 CHAIRPERSON DUDLEY: Thank you.

22 Is there a motion to approve the changes as
23 described in the staff report?

24 COMMISSIONER DONELAN: Motion. Donelan.

25 CHAIRPERSON DUDLEY: Is there a second?

1 COMMISSIONER GORDON: Gordon.

2 CHAIRPERSON DUDLEY: Questions? Comments?

3 (No response)

4 CHAIRPERSON DUDLEY: All in favor?

5 (Ayes)

6 CHAIRPERSON DUDLEY: Opposed?

7 (No response)

8 CHAIRPERSON DUDLEY: None. That motion passes.

9 Item F is a report on Driver Training Simulator
10 Instructions.

11 At this time, I will call upon Law Enforcement
12 Consultant Steve Harding, Learning Technology Resources
13 Bureau, to provide us a report on this item.

14 MS. RICHEAL: Hello again, everybody. Next, we
15 have Law Enforcement Consultant Steve Harding. He is a
16 simulator program manager for this.

17 We have two topics. If you recall, back in
18 February of 2021, the Commission voted on the driving
19 simulator -- Commission voted to discontinue the use of
20 the driving simulator to fulfill driver awareness
21 perishable skills. As a follow-up to that, in order to
22 teach drivers -- law enforcement driver simulators, you
23 must attend a driving simulator instructor course,
24 because it qualifies, under POST Regulation 1070, as a
25 specialized training subject. At this time, since we do

1 not have the driving simulators, we find that there is
2 not a need to attend the Driver Instructor Simulator
3 Course.

4 So that is for that topic.

5 CHAIRPERSON DUDLEY: That is succinct.
6 Anything else?

7 MS. RICHEAL: Not -- not for that one.

8 CHAIRPERSON DUDLEY: Okay. Let's see.
9 Any questions?

10 (No response)

11 CHAIRPERSON DUDLEY: Did the Advisory Committee
12 have any comments on this item?

13 ADVISORY COMMITTEE ACTING CHAIRPERSON WALTZ: Madam
14 Chair, the Advisory Committee did not object to approval
15 of this item.

16 CHAIRPERSON DUDLEY: Thank you.

17 Is there a motion to approve the changes as
18 described in the staff report?

19 COMMISSIONER RAMIREZ: Motion. Ramirez.

20 CHAIRPERSON DUDLEY: Second?

21 COMMISSIONER BUI: Second. Bui.

22 CHAIRPERSON DUDLEY: Thank you.

23 Questions? Comments?

24 (No response)

25 CHAIRPERSON DUDLEY: All those in favor?

1 (Ayes)

2 CHAIRPERSON DUDLEY: I'm sorry?

3 COMMISSIONER NIETO: Commissioner Nieto.

4 I just want to thank POST for removing the
5 simulators. I actually attended last year with my
6 officers to see what they were like, and I'm just glad
7 that we no longer use them.

8 (Laughter)

9 CHAIRPERSON DUDLEY: I had two DA investigators and
10 he was sent home and he's still nauseous. So we
11 appreciate that too.

12 Okay. Now Item H is report on Mandatory Training
13 for Background Investigators.

14 At this time, I would like to call upon Staff
15 Service Manager -- pardon me. G?

16 MS. RICHEAL: We have one more to dovetail off of
17 the law enforcement driving simulators. We also have
18 the force option simulators.

19 CHAIRPERSON DUDLEY: Stand by. Item G is a report
20 on Force Option Simulator Instructors. At this time I
21 will call upon Law Enforcement Consultant Steve Harding.
22 No? Right?

23 MS. RICHEAL: Or his boss, I guess.

24 CHAIRPERSON DUDLEY: I need some help.

25 MS. RICHEAL: He will defer to me.

1 CHAIRPERSON DUDLEY: Eat a donut.

2 MS. RICHEAL: I need one. My blood pressure is
3 dropping fast.

4 CHAIRPERSON DUDLEY: I'm going to give the mystery
5 of who I am calling upon.

6 Learning Technology Resource Bureau to provide us a
7 report on this item.

8 MS. RICHEAL: Just like earlier stated, in the law
9 enforcement driving simulators, the force option
10 simulators, if you recall back, in February 2021, the
11 Commission voted to discontinue the use of the force
12 option simulators to fulfill tactical firearms and
13 perishable skills.

14 As such, in order to teach that course, an
15 instructor would have had to have been certified under
16 POST Regulation 1070. Again, because we are not using
17 those force option simulators, we are asking for the
18 force option simulator instructor course to be removed
19 from regulation.

20 CHAIRPERSON DUDLEY: Okay. Did the Advisory
21 Committee have any comments on this item?

22 ADVISORY COMMITTEE ACTING CHAIRPERSON WALTZ:
23 Advisory Committee has no comments and no objection.

24 CHAIRPERSON DUDLEY: Is there a motion to approve
25 the changes as described in the staff report?

1 COMMISSIONER DONELAN: Motion. Donelan.

2 CHAIRPERSON DUDLEY: Second?

3 COMMISSIONER NIETO: Nieto.

4 CHAIRPERSON DUDLEY: Thank you.

5 Any questions or comments?

6 (No response)

7 CHAIRPERSON DUDLEY: All in favor?

8 (Ayes)

9 CHAIRPERSON DUDLEY: Opposed?

10 (No response)

11 CHAIRPERSON DUDLEY: None.

12 Motion passes.

13 Now going to talk about background investigations.

14 Item H is a report on Mandatory Training for

15 Background Investigators.

16 At this time, I would like to call upon Staff
17 Service Manager Melani Singley, Strategic Communications
18 and Research Bureau, to provide us with a report.

19 MR. LOWDEN: Good afternoon, Madam Chair, Committee
20 Members, future SB 2 experts.

21 (Laughter)

22 MR. LOWDEN: I'm John Lowden with Strategic
23 Communications and Research Bureau, accompanied by
24 Melani Singley, staff services manager with the bureau.

25 We are -- Melani is going to actually do a quick

1 overview of the mandatory training for background
2 investigators. California Government Code 1031 does
3 address the requirement to actually conduct a background
4 investigation. However, there is no mandatory
5 requirement for training for these background
6 investigators.

7 Melani, over the course of several months, has
8 conducted an analysis, research. She's had online
9 presentations with subject matter experts. She's
10 brought background investigator stakeholders into the
11 building, and, collectively, has come up with a series
12 of survey questions that she will give some results for,
13 as well as make some recommendations for future
14 training.

15 Melani.

16 MS. SINGLEY: Thank you, John. And good afternoon,
17 Madam Chair and Commissioners.

18 Mandating background investigation training has
19 been a POST strategic plan objective since 2015.
20 Although regulations and guidance developed and authored
21 by POST provide extensive and comprehensive requirements
22 and relevant tools and resources for conducting
23 background investigations, there is no current training
24 requirement to ensure that background investigators have
25 the knowledge and understanding to conduct thorough,

1 efficient, and effective investigations.

2 Acknowledging the importance and ensuring that
3 background investigators are adequately trained, POST
4 conducted a survey in October of 2021 to identify who
5 primarily conducts background investigations; if they
6 are trained; and what types of training would be most
7 efficient and effective for departments.

8 Roughly two-thirds of the 96 respondents indicated
9 that they use third party investigators for at least
10 some of their background investigations; and 80 percent,
11 roughly 77 respondents, require some form of training
12 for their investigators. They also rely on the third
13 party investigators -- these are contractors -- to
14 obtain the training on their own.

15 Online training was identified as a good option for
16 a majority of respondents, as it has the advantage of
17 being available at any time and at no cost. The
18 majority of the survey respondents indicated that
19 investigators would be able to complete online training
20 within a short period of time, immediately or within a
21 three-month period.

22 That said, many agreed that in-person training is
23 the most effective and would likely be feasible within a
24 12-month period. The small percentage who indicated
25 that in-person training may not be feasible, they

1 identified challenges with staffing issues, costs, and
2 availability for longer courses.

3 Although the 2021 survey indicated the majority of
4 the investigators had completed training, a 2019 survey
5 of background investigators revealed that the quality
6 and consistency of background investigation training
7 varied, depending upon the presenter. Respondents had
8 expressed a desire for more scenarios, including candid
9 interviews, as well as information on social media and
10 web-based searches.

11 The results were mixed with regard to the length of
12 the course, with some indicating it was unnecessarily
13 long, and others indicating that it was too short to
14 cover the amount of information presented. Several
15 pointed to the issue of instructors reading content from
16 PowerPoints and the material being, what they call, dry.

17 Based on the results of the surveys, staff is
18 proposing developing online training through the POST
19 Learning Portal system. The training would serve as an
20 initial course and/or prerequisite to the longer
21 in-person course. Utilizing online training would also
22 give staff the option of developing more specific
23 content-focused online courses to address emerging needs
24 and/or issues.

25 And as mentioned this morning at the advisory

1 meeting, there was a mention of updated training. It
2 would also provide for an opportunity to allow for
3 updated training for individuals who have already taken
4 a course.

5 The initial online training would consist of the
6 less dynamic content of the current course, such as POST
7 regulations, relevant laws, and standard procedures. It
8 would be available, again, at any time, at no cost. And
9 it would be required to be completed prior to conducting
10 background investigations.

11 We anticipate that this requirement would be
12 followed by a mandate of an in-person course, which
13 could be taken within a 12-month time period. With the
14 prerequisite online training, the current 32-hour course
15 could be modified and shortened to focus on the
16 practical applications of conducting investigations,
17 using scenarios, and more dynamic instruction and
18 interaction.

19 The reduced instruction time should help mitigate
20 some of the issues of staffing concerns and costs, and
21 may provide for more frequent presentations.

22 To ensure consistency across presenters, staff
23 would also work on mandating specific content for the
24 in-person training.

25 Understanding the importance and ensuring that

1 background investigators are adequately trained, staff
2 is proposing to mandate that POST-certified background
3 investigation training be required prior to conducting
4 investigations, with an effective date of July 1st,
5 2023.

6 The lengthy transition period will allow the
7 departments and investigators ample time to plan for the
8 training and will also provide staff time to develop
9 online training, update the in-person courses, and
10 identifying mandatory course curriculum.

11 Does anyone have any questions?

12 CHAIRPERSON DUDLEY: So just to be clear, this is
13 brand new. Okay? Something we haven't done before.

14 So any questions or comments?

15 Yes, Commissioner Braziel.

16 COMMISSIONER BRAZIEL: Yeah. I have just more of a
17 comment. I just want to commend staff. When you look
18 at the responses, where they came from. You know, we
19 make a big effort to go out in the rural communities and
20 sometimes you forget them and then you look at the
21 agent -- the size. When 57 percent of the respondents
22 have 50 or less sworn -- and almost 39 percent had less
23 than 25 sworn -- those are the agencies most impacted by
24 a regulation like this.

25 And so commending staff to make that effort, to

1 make sure that the smaller agencies are surveyed to find
2 out what their needs are. So kudos to staff.

3 CHAIRPERSON DUDLEY: Yes. Commissioner Long.

4 COMMISSIONER LONG: Just a quick question: What
5 does a mandate like this cost, roughly?

6 CHAIRPERSON DUDLEY: What does that --

7 COMMISSIONER LONG: What does a mandate like this
8 end up costing POST?

9 CHAIRPERSON DUDLEY: Costing POST?

10 COMMISSIONER LONG: Yeah. I mean, it seems like a
11 good idea. I'm just curious what it would cost to
12 perform --

13 MS. SINGLEY: Well --

14 COMMISSIONER LONG: To provide the personal
15 training.

16 MS. SINGLEY: For the online and person -- for
17 in-person training?

18 COMMISSIONER LONG: For the in-person. Yeah.

19 MS. SINGLEY: I have -- the cost of the in-person
20 course varies a couple hundred dollars, depending upon
21 the presenter. So that would be the cost borne by --
22 and third party investigators would have to pay for
23 that. And then for agency -- or for individuals that
24 are on staff at a department that are in the POST
25 program, they would be -- I believe it would be

1 reimbursable through our reimbursement program.

2 COMMISSIONER LONG: Right. It would be
3 reimbursed --

4 MS. SINGLEY: It would be a one-time fee that they
5 have to pay for the --

6 COMMISSIONER LONG: A couple hundred bucks per --

7 MS. SINGLEY: -- in-person. Right.

8 COMMISSIONER LONG: Okay. Thanks.

9 MS. SINGLEY: And then the online would be
10 available free, obviously.

11 COMMISSIONER LONG: Thanks.

12 CHAIRPERSON DUDLEY: Other questions or comments
13 about this?

14 Yes. No? Yes.

15 COMMISSIONER BRAUN: There would also be the
16 expense to the agency, not in dollars, but in
17 backfilling the vacant position. But totally worth it.

18 All of my background investigators, we used to
19 contract out, and found that to be actually more
20 expensive and less thorough. So we do it in-house, and
21 they have gone through the background training.

22 And it's -- for a small agency -- and I do echo
23 what Commissioner Braziel said. To reach out to the
24 rural, small agencies, and asked us if that's
25 worthwhile, which I'm one of the ones that responded and

1 said, "Yes, very much worthwhile."

2 And it will help POST in the long run, when they
3 come out and do the investigations and check our
4 packages to make sure that we do a thorough background
5 investigation; this will make everybody's lives much
6 easier if we're all following the same rules.

7 CHAIRPERSON DUDLEY: Especially with the ongoing --
8 the new changes that are happening now in terms of
9 background investigations and the ones we're expecting
10 to see in the future.

11 Any other comments or questions?

12 (No response)

13 CHAIRPERSON DUDLEY: Okay. Did the Advisory
14 Committee have any comments on this item?

15 ADVISORY COMMITTEE ACTING CHAIRPERSON WALTZ: Yes.
16 The Advisory Committee had a pretty lengthy discussion
17 on this and asked a lot of questions. There was
18 resounding support for this item for mandatory training.

19 CHAIRPERSON DUDLEY: Okay. Is there a motion to
20 approve the changes as described in the staff report?

21 COMMISSIONER DONELAN: Motion. Donelan.

22 CHAIRPERSON DUDLEY: Is there a second?

23 COMMISSIONER LONG: Second. Long.

24 CHAIRPERSON DUDLEY: Thank you.

25 Questions? Comments?

1 (No response)

2 CHAIRPERSON DUDLEY: All those in favor?

3 (Ayes)

4 CHAIRPERSON DUDLEY: Okay. Motion passes. Thank
5 you so much.

6 Please.

7 EXECUTIVE DIRECTOR ALVAREZ: I also just want to
8 acknowledge Melani and her work, obviously, you did with
9 this. We have been pushing Melani with some of the
10 dates and the time constraints probably more than we
11 should.

12 So thank you, Melani, for pushing this thing along.
13 I know we just -- we have had a lot of conversations.
14 Like, "Let's just -- we got to get this in now."

15 She's also the one that has been working on the AB
16 846, the psychological screening in peace officer
17 candidates, for the last year.

18 And, again, we've been pushing. We were going to
19 do it September, then December. We said, "No, you got
20 to do it in September."

21 So we just want to thank you, Melani, for pushing
22 that stuff along. It's all complicated, now with SB 2
23 and the certification and the review or the appointment
24 of officers. It's the -- now is the time. So we just
25 want to thank you for all the stress that we put you

1 through. Thank you for all of it.

2 CHAIRPERSON DUDLEY: Thank you, Manny.

3 Okay. Now we're going on to committee reports.

4 The Advisory Committee. The Advisory Committee Chair,
5 Randy Waltz, will report on the Advisory Committee held
6 this morning.

7 ADVISORY COMMITTEE ACTING CHAIRPERSON WALTZ: Thank
8 you, Madam Chair.

9 Other than what I have already shared with you, I
10 have no further report.

11 CHAIRPERSON DUDLEY: Okay. Any questions?

12 (No response)

13 CHAIRPERSON DUDLEY: Do I have a motion to accept
14 the Advisory Committee report?

15 (Multiple voices)

16 CHAIRPERSON DUDLEY: One more time and one person.

17 COMMISSIONER O'ROURKE: O'Rourke.

18 CHAIRPERSON DUDLEY: Thank you.

19 Is there a second?

20 COMMISSIONER RAMIREZ: Second. Ramirez.

21 CHAIRPERSON DUDLEY: Questions? Comments?

22 (No response)

23 CHAIRPERSON DUDLEY: All in favor?

24 (Ayes)

25 CHAIRPERSON DUDLEY: Opposed?

1 (No response)

2 CHAIRPERSON DUDLEY: Motion passes.

3 The following correspondence was sent from POST --
4 from POST to Brian Kalinowski, Chief, Galt Police
5 Department, expressing deep sympathy over the tragic
6 on-duty death of Officer Harinder Grewal.

7 In terms of old business, there is no old business.

8 At this time, I would like to call upon Executive
9 Director Alvarez to discuss new business items.

10 EXECUTIVE DIRECTOR ALVAREZ: I believe the only new
11 business item that I will reiterate is, we will go back
12 on the Commission proposed dates and relook at
13 April 27/28, and come up with some new time frames.

14 Is there anything else, Katie and Keri, in terms of
15 the -- oh. Correct. Correct. For -- so we are
16 proposing other dates down the road, as we plan ahead,
17 of November 30th and December 1st, 2022, here in
18 Sacramento.

19 March 1st, 2023. A location to be determined, but
20 it should be outside of Sacramento.

21 As well as June 7 and 9th, 2023. We realize that
22 is very, very far ahead, but we just need to start
23 planning. If there is a conflict with any of those,
24 please let us know. Or you can e-mail me directly in
25 the next week or two, and then we can start addressing

1 it.

2 I know we're surprising you with those dates now,
3 but please let us know, because we would like to move
4 forward.

5 That's it, Madam Chair. Yes.

6 CHAIRPERSON DUDLEY: Given the new dates and the
7 added responsibilities, we will not be accepting
8 anybody's withdrawal requests from the Commission. So
9 if anybody is even thinking that, let it go.

10 (Laughter)

11 CHAIRPERSON DUDLEY: All right. One moment,
12 please.

13 Now in terms of Advisory. So we have a motion --
14 stand by. We need to -- right. We need to take action
15 on the dates that you just proposed? The reason I'm
16 hesitating is because the April 27th/28th date is there.
17 Do you want me to take that out of the equation, or do
18 you want to go forward with the 27/28?

19 EXECUTIVE DIRECTOR ALVAREZ: Please, if you would,
20 take it out, and we'll come up with new dates.

21 CHAIRPERSON DUDLEY: Okay. So what's for
22 consideration for next Commission meetings is everything
23 on your list in front of you, but April 27th and 28th.
24 We will need a meeting then, but we may move these dates
25 around.

1 If the Commission concurs, the appropriate action
2 would be a motion to approve the next Commission meeting
3 dates and locations.

4 Is there such a motion?

5 COMMISSIONER BRAZIEL: Braziel.

6 CHAIRPERSON DUDLEY: Second.

7 COMMISSIONER DONELAN: Donelan.

8 CHAIRPERSON DUDLEY: Thank you.

9 Questions? Comments?

10 (No response)

11 CHAIRPERSON DUDLEY: All those in favor?

12 (Ayes)

13 CHAIRPERSON DUDLEY: Motion passes.

14 Okay. So Rick DiBasilio's term on the Advisory
15 Committee is expiring. There's a request for
16 consideration for reappointment to the Commission on
17 POST Advisory Committee. There is a letter of Sheriff
18 Dean Growdon, CCSA President, requesting Sheriff Rick
19 DiBasilio's reappointment to the Advisory Committee as
20 CSSA's [sic] representative. Current term expires
21 February 2022.

22 So I guess -- I'm sorry. I'm having trouble
23 following this on the script. Is there any discussion
24 on that? Is there a motion?

25 COMMISSIONER DONELAN: I will make a motion to

1 re-up his tenure on the Advisory Committee.

2 CHAIRPERSON DUDLEY: Thank you.

3 COMMISSIONER BRAZIEL: Second. Braziel.

4 CHAIRPERSON DUDLEY: Okay. Any questions?

5 Comments?

6 (No response)

7 CHAIRPERSON DUDLEY: Thank you. Okay. We have a
8 motion. We have a second. There are no questions or
9 comments.

10 All in favor?

11 (Ayes)

12 CHAIRPERSON DUDLEY: Thank you. The motion passes.

13 Now, the upcoming Commission meetings will be held
14 March 2nd through 3rd in San Diego; May 25th through
15 26th -- this is all in 2022 -- back here at POST, West
16 Sacramento.

17 We'll now adjourn for closed session. So we will
18 ask all attendees to exit the room, and we will
19 reconvene in general session at the conclusion of closed
20 session. Give everyone a moment to exit.

21 ---o0o---

22 (Closed session: 5:03 p.m. to 5:25 p.m.)

23 ---o0o---

24 (Open session resumed: 5:27 p.m.)

25 ---o0o---

1 CHAIRPERSON DUDLEY: We're back from closed
2 session.

3 Anything we need to report?

4 MR. DARDEN: Just -- we discussed litigation
5 matters.

6 CHAIRPERSON DUDLEY: Thank you.

7 Commissioners, is there anything else?

8 (No response)

9 CHAIRPERSON DUDLEY: Hearing nothing, I will call
10 for a motion to adjourn.

11 COMMISSIONER RAMIREZ: Motion.

12 COMMISSIONER BRAZIEL: Will second.

13 CHAIRPERSON DUDLEY: Okay. I will take that as so
14 moved and a second.

15 And is there any discussion? Questions?

16 (No response)

17 CHAIRPERSON DUDLEY: And all in favor?

18 (Ayes)

19 CHAIRPERSON DUDLEY: Okay. We stand adjourned.

20 Thank you so much for your patience today.

21 (Proceedings concluded at 5:27 p.m.)

22 ---o0o---

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CERTIFICATE OF REPORTER

I, KATHRYN S. SWANK, a Certified Shorthand Reporter
of the State of California, do hereby certify:

That I am a disinterested person herein; that the
foregoing proceedings were reported, to the best of my
ability, in shorthand by me, Kathryn S. Swank, a
Certified Shorthand Reporter of the State of California,
and thereafter transcribed into typewriting.

I further certify that I am not of counsel or
attorney for any of the parties to said proceedings nor
in any way interested in the outcome of said
proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand
this 30th day of December 2021.

/s/ Kathryn S. Swank
KATHRYN S. SWANK, CSR
Certified Shorthand Reporter
License No. 13061

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